

# FEDERAL REGISTER

THE NATIONAL ARCHIVES  
OF THE UNITED STATES  
1934

VOLUME 27 NUMBER 1

Washington, Wednesday, January 3, 1962

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Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D.C.



Telephone

WOsh 3-3261

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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 10982

#### ADMINISTRATION OF THE ACT OF SEPTEMBER 26, 1961, RELATING TO EVACUATION PAYMENTS, ASSIGNMENTS, AND ALLOTMENTS, AND OTHER MATTERS

By virtue of the authority vested in me by the act of September 26, 1961 (75 Stat. 662), and by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. As used in this order:

(a) The term "the act" means the act of September 26, 1961 (Public Law 87-304), 75 Stat. 662.

(b) The term "Federal agency" means any executive department of the Government of the United States of America, any agency or independent establishment in the executive branch of the Government, and any corporation wholly owned or controlled by the Government.

(c) The term "foreign area" means any area (including the Trust Territory of the Pacific Islands) situated outside (1) the United States (including the District of Columbia), (2) the Commonwealth of Puerto Rico, (3) the Canal Zone, and (4) any territory or possession of the United States.

SEC. 2. (a) Except as otherwise provided by section 2(b) and section 3(c) of this order, the Secretary of State in respect of civilian employees of Federal agencies who are located in foreign areas immediately prior to an emergency evacuation, and the Civil Service Commission in respect of all other civilian employees of Federal agencies, are hereby designated and empowered, without the approval, ratification, or other action of the President, to perform the functions conferred upon the President by section 3(a), section 3(b), and section 6(a) of the act.

(b) The Civil Service Commission is hereby designated and empowered, without the approval, ratification, or other action of the President, to perform the functions conferred upon the President by the provisions of section 6 of the act with respect to allotments and assignments authorized by section 5 of the act.

SEC. 3. The following regulations are hereby prescribed as necessary and appropriate to carry out the provisions, accomplish the purposes, and govern the administration of the act:

(a) To the maximum extent practicable, the Secretary of State, the Civil Service Commission, and the heads of other Federal agencies shall exercise their authority under the act and this order so that employees of different Federal agencies evacuated from the same geographic area under the same general circumstances may be treated uniformly.

(b) Advance payments of compensation, allowances, and differentials, as authorized by section 2 of the act, shall be held to the minimum period during which the order for evacuation is anticipated to continue, and shall in no event be made for a period of more than thirty days.

(c) It is hereby determined to be in the interest of the United States that payments of monetary amounts as authorized by section 3 of the act to and for the account of an employee whose evacuation is ordered and who is prevented from performing the duties of his position, under the circumstances set forth in section 3 of the act, should be extended beyond sixty days for not more than one hundred and twenty additional days only upon determination, pursuant to regulations of the head of the Federal agency concerned, that such additional payments are reasonably necessary to maintain a civilian staff available for performance of duty. Such payments of monetary

## THE PRESIDENT

amounts under the authority of section 3 of the act shall be terminated as of such dates as may be determined by the Secretary of State or the Civil Service Commission, as appropriate, but not later than the date on which an employee resumes his duties at the post from which he has been evacuated or is assigned to another position.

SEC. 4. (a) The head of each Federal agency shall issue as soon as practicable such regulations as may be necessary and appropriate to carry out his functions under the act and this order.

(b) In order to coordinate the policies and procedures of the executive branch of the Government, all regulations of any Federal agency prepared for issuance under the provisions of section 6(c) of the act and section 4(a) of this order shall be submitted for prior approval to the Secretary of State, or to the Civil Service Commission, as may be appropriate, under section 2 of this order. The Secretary of State and the Civil Service Commission shall review such regulations for conformance with the purpose and intent of the act and of the regulations contained in section 3 of this order. No Federal agency shall make any payment under the provisions of the act or this order until such regulations have been approved by the Secretary of State, or the Civil Service Commission, as appropriate.

JOHN F. KENNEDY

THE WHITE HOUSE,  
December 25, 1961.

[F.R. Doc. 62-140; Filed, Jan. 2, 1962; 12:24 p.m.]

# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

##### Allotments and Assignments From Federal Employees

Effective March 25, 1962, Subpart F is added to Part 25 as follows:

##### SUBPART F—ALLOTMENTS AND ASSIGNMENTS FROM FEDERAL EMPLOYEES

|        |   |
|--------|---|
| Sec.   |   |
| 25.601 | Definitions.  |
| 25.602 | Authority of Federal agency.                        |
| 25.603 | Authorized allotters.                               |
| 25.604 | Circumstances under which allotments are permitted. |
| 25.605 | Purposes for which allotments may be made.          |
| 25.606 | Authorized allottees.                               |
| 25.607 | Limitations on allotments.                          |
| 25.608 | Discontinuance of allotment.                        |
| 25.609 | Procedures.   |

AUTHORITY: §§ 25.601 to 25.609 issued under sec. 6, 75 Stat. 664.

##### Subpart F—Allotments and Assignments From Federal Employees

###### § 25.601 Definitions.

For the purposes of this subpart, the following terms shall have the meanings as stated:

(a) "Act" means Public Law 87-304, approved September 26, 1961 (75 Stat. 662).

(b) "Allottee" is the person or institution to whom the allotment is made payable.

(c) "Allotter" is the officer or employee from whose civilian compensation the allotment is made.

(d) "Allotment" is either an allotment or assignment of a definite amount of the compensation of a civilian employee which is authorized to be paid to an allottee.

(e) "Compensation" is the net pay due an employee after all deductions authorized by law (such as retirement or social security deductions, Federal withholding tax, and others, when applicable) have been made.

(f) "Department" means each executive department of the Government of the United States of America, each agency or independent establishment in the executive branch of the Government, and each corporation wholly owned or controlled by such Government.

(g) "Continental United States" means the several States and the District

of Columbia, but excluding Alaska and Hawaii.

###### § 25.602 Authority of Federal agency.

(a) A department may permit allotments under section 5 of the Act only in accordance with the Act and the regulations in this subpart.

(b) Allotments may be permitted in the discretion of the head of the department concerned under such additional regulations, not inconsistent with the Act and the regulations in this subpart, as he deems necessary and appropriate.

###### § 25.603 Authorized allotters.

Only those employees who are serving under appointments not limited to six months or less may be permitted to make allotments.

###### § 25.604 Circumstances under which allotments are permitted.

(a) Allotments may be authorized on a current basis under the following circumstances:

(1) When an employee is assigned to a post of duty outside the continental United States; or

(2) When an employee is working on an assignment away from his regular post of duty when the assignment is expected to continue for three months or more; or

(3) When an employee is serving as an officer or a member of a crew on a vessel under the control of the Government of the United States.

(b) Allotments may be authorized to become effective when an order of evacuation is issued under the provisions of section 2 or section 3 of the Act. Payment of the allotments authorized under the provisions of this paragraph may not be made until the issuance of such evacuation order.

###### § 25.605 Purposes for which allotments may be made.

(a) Allotments may be made for the following purposes:

(1) For the support of relatives or dependents of the allotter;

(2) For savings;

(3) For payment of commercial insurance premiums on the life of the allotter;

(4) For payment of U.S. Government or National Service Life Insurance; or

(5) For any other purpose, not otherwise prohibited, when approved by the head of the department or his authorized representative.

(b) Allotments may not be made for the following purposes:

(1) For payment of any indebtedness, except when the head of the agency specifically provides otherwise; or

(2) For contributions to charities; or

(3) For payment of dues to civic, fraternal, or other organizations.

###### § 25.606 Authorized allottees.

(a) An allotment may be made to any person, or to any corporation, financial institution, or agency when the allotment is for one of the purposes permitted by § 25.605(a).

(b) The allottee must be specifically designated in writing by the allotter.

###### § 25.607 Limitations on allotments.

The following limitations shall apply to the making or approving of allotments:

(a) Allotments shall be disbursed on one of the employee's regularly designated paydays and according to the conditions of the allotment except in those cases where the department and allotter may agree upon a later date;

(b) An employee may not have more than one allotment payable to the same allottee at the same time;

(c) Allotments cannot exceed the compensation due the allotter for a particular period.

###### § 25.608 Discontinuance of allotment.

Allotments shall be discontinued under the following circumstances:

(a) On the retirement, separation from the Federal service, or death of the allotter.

(b) When an allottee's whereabouts are unknown or upon his death.

(c) Upon written notice from the allotter.

(d) Upon written notice from an authorized official of the department concerned.

(e) When the circumstances under which allotments are permitted under § 25.604 no longer exist.

###### § 25.609 Procedures.

Each department shall prescribe and administer the necessary procedures to carry out the purposes of the Act and these regulations, and the procedures established shall be consistent with the provisions of the Act and these regulations.

(Sec. 6, 75 Stat. 664)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] DAVID F. WILLIAMS,  
Director,  
Bureau of Management Services.

[F.R. Doc. 62-147; Filed, Jan. 2, 1962; 12:30 p.m.]

## Title 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Credit Corporation, Department of Agriculture

#### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 C.C.C. Peanut Price Support Bulletin, Amdt. 2]

#### PART 446—PEANUTS

##### Subpart—1961 Crop Peanut Price Support Program

The regulations issued by Commodity Credit Corporation (hereinafter referred to as "CCC") with respect to the 1961 Crop Peanut Price Support Program (26 F.R. 7863 and 8247) are amended as follows in order to provide price support for peanuts in the Southwestern area which contain damaged kernels from 8 percent to 25 percent, inclusive.

The regulations in § 446.1301 to 446.1348 inclusive are amended as specified below:

1. The footnote in § 446.1305(d) (3) is amended to read as follows:

<sup>1</sup>Not eligible for price support, except as provided in paragraph (e) of this section, and in § 446.1306(a) (6).

2. Section 446.1305 is amended by adding the following paragraph (e) at the end thereof:

(e) Peanuts in the Southwestern area which contain damaged kernels from 8 percent to 25 percent, inclusive. Support prices (farmers stock basis) for peanuts in the Southwestern area which contain damaged kernels from 8 percent to 25 percent, inclusive, shall be as follows:

| Peanuts containing damaged kernels of— | Support price (cents per pound) |
|--|---------------------------------|
| 8 or 9 percent.....                    | 7.1                             |
| 10 or 11 percent.....                  | 6.8                             |
| 12 or 13 percent.....                  | 6.4                             |
| 14 or 15 percent.....                  | 6.0                             |
| 16 to 19 percent, inclusive.....       | 5.6                             |
| 20 to 25 percent, inclusive.....       | 5.3                             |

3. Section 446.1306(a) (1) is amended to read as follows:

(1) Contain, except as provided in subparagraph (6) of this paragraph, not more than 10 percent foreign material and not more than 7 percent damaged kernels: *Provided, however*, That, in the Southwestern area, peanuts which contain more than 7 percent damaged kernels and which meet the other requirements of this section, shall be eligible for price support through a warehouse storage loan to the Association at the rates specified in § 446.1305(c);

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; sec. 201, 68 Stat. 899; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective as of date of signature.

Signed at Washington, D.C., on December 27, 1961.

CARL A. LARSON,  
*Acting Executive Vice President,  
Commodity Credit Corporation.*

[F.R. Doc. 62-18; Filed, Jan. 2, 1962; 8:46 a.m.]

### Chapter V—Agricultural Marketing Service, Department of Agriculture

#### SUBCHAPTER B—EXPORT AND DOMESTIC CONSUMPTION PROGRAMS

[Amdt. 1]

#### PART 519—FRESH IRISH POTATOES

##### Subpart—Fresh Irish Potatoes—Livestock Feed Diversion Program CMD 3a

###### RATE OF PAYMENT

For the purpose of increasing the rate of payment for the month of January 1962, from 40 cents to 60 cents per hundredweight, § 519.205 of these regulations is amended as follows:

###### § 519.205 Rate of payment.

The rate of payment per 100 pounds of potatoes which meet the requirements of Specification A as defined in § 519.211 and which are diverted as prescribed in § 519.210 will be 60 cents for potatoes diverted during the months of September, October, November, December 1961, and January 1962, 40 cents during the month of February 1962, and 30 cents during the months of March and April 1962. No payment will be made for any fractional part of 100 pounds and such quantities will be disregarded.

*Effective date.* This amendment shall become effective January 1, 1962.

Dated this 28th day of December 1961.

FLOYD F. HEDLUND,  
*Authorized Representative  
of the Secretary of Agriculture.*

[F.R. Doc. 62-39; Filed, Jan. 2, 1962; 8:48 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

#### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-LA-7]

#### PART 608—SPECIAL USE AIRSPACE

##### Alteration of Restricted Area

The purpose of this amendment to § 608.48 of the regulations of the Administrator is to alter the Sahwave Mountains, Nev., Restricted Area R-4805.

The Department of the Navy has advised that the ceiling of R-4805 may be reduced from unlimited to Flight Level 550 and the time of designation from "continuous" to "one hour prior to sunrise to 1 hour after sunset, Monday through Friday." In addition, the Department of the Navy has concurred in joint use of this area. Therefore, the changes recommended by the Navy are effected herein and the Oakland ARTC Center is designated the Controlling Agency.

Since this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 608.48 Nevada, R-4805 Sahwave Mountains, Nev., Restricted Area (26 F.R. 7198) is amended to read:

R-4805 Sahwave Mountains, Nev.

*Boundaries.* Beginning at latitude 40°-40'00" N., longitude 118°49'00" W.; to latitude 40°04'00" N., longitude 118°49'00" W.; to latitude 40°00'00" N., longitude 118°57'00" W.; to latitude 40°00'00" N., longitude 119°13'00" W.; to latitude 40°40'00" N., longitude 119°13'00" W.; to the point of beginning.

*Designated altitudes.* Surface to Flight Level 550.

*Time of designation.* One hour before sunrise to 1 hour after sunset, Monday through Friday.

*Controlling agency.* Federal Aviation Agency, Oakland ARTC Center.

*Using agency.* Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 26, 1961.

LEE E. WARREN,  
*Acting Director, Air Traffic Service.*

[F.R. Doc. 62-3; Filed, Jan. 2, 1962; 8:45 a.m.]

## Title 7—AGRICULTURE

### Chapter VII—Agricultural Stabilization and Conservation Service, Department of Agriculture

COUNTY ALLOTMENT; ALLOCATIONS TO COUNTIES FROM STATE RESERVE; AND REMAINDER OF STATE RESERVE

#### PART 722—COTTON

##### Subpart—Regulations Pertaining to Acreage Allotments for the 1962 Crop of Extra Long Staple Cotton—Amendment 3

The purpose of this amendment is to delete wording pertaining to a national

reserve which is not applicable to extra long staple cotton and to correct an error in the 1962 State reserve and total State allotment of extra long staple cotton for Florida. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). Notice of the proposed issuance of acreage allotment regulations for the 1962 crop of extra long staple cotton was published in the FEDERAL REGISTER on August 25, 1961 (26 F.R. 7967), in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) prior to issuance of such regulations.

In order that the Agricultural Stabilization and Conservation State and county committees may perform their assigned functions in an orderly manner, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.566(g) (1) of the regulations pertaining to acreage allotments for the 1962 crop of extra long staple cotton (26 F.R. 11481) is corrected as follows:

For all States, delete the words "and national reserve" from item c.

For the State of Florida, item b., "State reserve available for missed and reconstituted farms and correction of errors," is 70 instead of zero and item c., "Total allotment available from national allotment for distribution in State," is 705 instead of 635.

(Secs. 344, 347, 375, 63 Stat. 670, as amended, 675, as amended; 52 Stat. 66, as amended; 7 U.S.C. 1344, 1347, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 27, 1961.

CARL A. LARSON,  
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 62-19; Filed, Jan. 2, 1962; 8:46 a.m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

### SUBCHAPTER A—MARKETING ORDERS

[Orange Reg. 1]

## PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

### Limitation of Shipments

#### § 906.301 Orange Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 906 (7 CFR Part 906), regulating the han-

dling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation of the Texas Valley Citrus Committee established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on December 19, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680-51.712 of this title).

(2) During the period beginning at 12:01 a.m., c.s.t., January 8, 1962, and ending at 12:01 a.m., c.s.t., February 5, 1962, no handler shall handle:

(i) Any Navel or Early and Midseason oranges, grown in the production area,

unless such oranges grade at least U.S. No. 2 Russet;

(ii) Any Navel or Early and Midseason oranges, grown as aforesaid, which are of a size smaller than  $2\frac{7}{16}$  inches in diameter, except that not more than ten (10) percent, by count, of such oranges in any lot of containers, and not more than fifteen (15) percent, by count, of such oranges in any individual container in such lot may be of a size smaller than  $2\frac{7}{16}$  inches in diameter;

(iii) Any Valencia or similar late type oranges, grown as aforesaid, unless such oranges grade at least U.S. No. 1;

(iv) Any Valencia and similar late type oranges, grown as aforesaid, which are of a size smaller than  $3\frac{3}{16}$  inches in diameter, except that not more than ten (10) percent, by count, of such oranges in any lot of containers, and not more than fifteen (15) percent, by count, of such oranges in any individual container in such lot, may be of a size smaller than  $3\frac{3}{16}$  inches in diameter;

(v) Any oranges of any variety, grown as aforesaid, packed in any box or carton of inside dimensions other than those specified in subdivision (vi), unless the oranges are of a size within the diameter limits specified for one of the following pack sizes and otherwise are packed in accordance with the requirements of standard pack, except that not to exceed a total of 10 percent, by count, of the oranges in any such container may be outside such diameter limits:

| Pack Sizes | Diameter limits in inches |                 |
|------------|---------------------------|-----------------|
|            | Minimum                   | Maximum         |
| 100.....   | $3\frac{7}{16}$           | $3\frac{7}{16}$ |
| 125.....   | $3\frac{3}{16}$           | $3\frac{3}{16}$ |
| 163.....   | $2\frac{9}{16}$           | $3\frac{3}{16}$ |
| 200.....   | $2\frac{1}{16}$           | $3\frac{3}{16}$ |
| 252.....   | $2\frac{1}{16}$           | $2\frac{1}{16}$ |

(vi) Any oranges of any variety, grown as aforesaid, packed in a box or carton having inside dimensions of  $19\frac{1}{4} \times 13\frac{1}{2} \times 13\frac{1}{2}$  inches, unless such container is packed in accordance with one of the following pack sizes and contains the applicable number of oranges specified for the pack size: *Provided*, such oranges are within the diameter limits specified in subdivision (v) for the particular pack size, except that not to exceed a total of 10 percent, by count, of the oranges in any such container may be outside such diameter limits:

| Pack sizes: | Number of oranges |
|-------------|-------------------|
| 100 .....   | 100               |
| 125 .....   | 125               |
| 163 .....   | 163               |
| 200 .....   | 198               |
| 252 .....   | 252               |

(vii) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

(viii) The provisions of subdivisions (v) and (vi) shall not apply to the oranges in any gift package of fruit.

All oranges of any variety, grown as aforesaid, handled during the period

## RULES AND REGULATIONS

specified in this section are subject to all applicable container regulations which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 28, 1961.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[F.R. Doc. 62-59; Filed, Jan. 2, 1962;  
8:48 a.m.]

[Navel Orange Reg. 220, Amdt. 1]

## PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIG- NATED PART OF CALIFORNIA

### Limitation of Handling

*Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

*Order, as amended.* The provisions in paragraph (b)(1)(i) of § 914.520

(Navel Orange Reg. 220, 26 F.R. 12494) are hereby amended to read as follows:

(i) District 1: 400,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 29, 1961.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[F.R. Doc. 61-12435; Filed, Dec. 29, 1961;  
12:45 p.m.]

### SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

[Orange Reg. 1, Amdt. 2]

## PART 944—IMPORT REGULATION

### Oranges

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the provisions of paragraph (a) of § 944.300 (Orange Regulation 1; 26 F.R. 9668; 9905) are hereby amended to read as follows:

(a) On and after 12:01 a.m., e.s.t., January 8, 1962, the importation into the United States of any oranges is prohibited unless such oranges are inspected and meet the following applicable requirements:

(1) Navel or Early and Midseason oranges, shall grade at least U.S. No. 2 Russet, and be of a size not smaller than 2 $\frac{1}{16}$  inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in individual containers in such lot, may be of a size smaller than 2 $\frac{1}{16}$  inches in diameter; or

(2) Any Valencia or similar late type oranges, shall grade at least U.S. No. 1, and be of a size not smaller than 3 $\frac{1}{16}$  inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in individual containers in such lot may be of a size smaller than 3 $\frac{1}{16}$  inches in diameter.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001-1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674; 75 Stat. 305), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of oranges as the grade and size restrictions being made applicable to the shipment of oranges grown in Texas under Orange Regulation 1 (§ 906.301) which becomes ef-

fective January 8, 1962; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; (d) notice hereof in excess of three days, the minimum that is prescribed by section 8e, is given with respect to this import regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, December 28, 1961, to become effective at 12:01 a.m., e.s.t., January 8, 1962.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Agricultural Market-  
ing Service.

[F.R. Doc. 62-60; Filed, Jan. 2, 1962;  
8:48 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 8357 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### Haffield Fruit Company, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Haffield Fruit Company, Inc., Vero Beach, Fla., Docket 8357, Sept. 26, 1961]

Consent order requiring a citrus fruit packer doing a substantial business in Vero Beach, Fla., to cease making unlawful brokerage payments to customers purchasing for their own accounts for resale, in violation of section 2(c) of the Clayton Act.

The order to cease and desist is as follows:

*It is ordered,* That the respondent Haffield Fruit Company, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of citrus fruit or fruit products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Paying, granting or allowing, directly or indirectly, to any buyer or to anyone acting for or in behalf of, or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of citrus fruit



or fruit products to such buyer for his own account.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 25, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 62-8; Filed, Jan. 2, 1962;  
8:45 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2571]

[Montana 043471]

#### MONTANA

#### Reclamation Withdrawal; Missouri River Basin Project

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

Subject to valid existing rights, the following described public lands are hereby withdrawn in the first form from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, for use of the Bureau of Reclamation in connection with the Clark Canyon Reservoir, Missouri River Basin Project:

#### MONTANA PRINCIPAL MERIDIAN

T. 9 S., R. 10 W.,  
sec. 31, N $\frac{1}{2}$ SE $\frac{1}{4}$ .

Containing 80 acres.

JOHN A. CARVER, Jr.,  
Acting Secretary of the Interior.

DECEMBER 22, 1961.

[F.R. Doc. 62-10; Filed, Jan. 2, 1962;  
8:45 a.m.]

[Public Land Order 2572]

[New Mexico 0175794 (Okla.)]

#### OKLAHOMA

#### Withdrawing Lands for Use of the Bureau of Indian Affairs for School Purposes (Jones Academy Indian School)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described public lands in Oklahoma are hereby withdrawn from all forms of appropriation under the public land laws, and reserved under the jurisdiction of the Bureau of Indian Affairs for Indian school purposes:

#### INDIAN MERIDIAN

T. 5 N., R. 17 E.,  
Sec. 21, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 28, W $\frac{1}{2}$ E $\frac{1}{2}$  and W $\frac{1}{2}$ .

The areas described aggregate approximately 540 acres.

JOHN A. CARVER, Jr.,  
Acting Secretary of the Interior.

DECEMBER 22, 1961.

[F.R. Doc. 62-11; Filed, Jan. 2, 1962;  
8:45 a.m.]

[Public Land Order 2573]

[Sacramento 048401]

#### CALIFORNIA

#### Withdrawing the Minerals Belonging to the United States in Certain Patented Lands

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals reserved to the United States in the following described patented lands are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States and from leasing under the mineral leasing laws and reserved under the jurisdiction of the Secretary of the Interior in support of programs of the Department of the Navy involving the use of the surface of the lands as a bombing and target area:

#### MOUNT DIABLO MERIDIAN

T. 6 S., R. 5 E.,  
Sec. 22, SE $\frac{1}{4}$ ;  
Sec. 26.

T. 6 S., R. 6 E.,  
Sec. 20, E $\frac{1}{2}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

Containing 920 acres.

JOHN A. CARVER, Jr.,  
Acting Secretary of the Interior.

DECEMBER 22, 1961.

[F.R. Doc. 62-12; Filed, Jan. 2, 1962;  
8:46 a.m.]

[Public Land Order 2574]

[BLM 054548]

[1906622]

#### MICHIGAN

#### Partly Revoking the Executive Order of May 28, 1868 (Grand Marais Harbor of Refuge Lighthouse Reserve)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of May 28, 1868, so far as it reserved the following described lands for lighthouse purposes, is hereby revoked:

#### MICHIGAN MERIDIAN

T. 50 N., R. 13 W.,  
Sec. 35, lots 1 to 4, incl., and S $\frac{1}{2}$ ;  
Sec. 36, lots 1 to 4 incl., and S $\frac{1}{2}$ .

Containing 974.25 acres.

2. The lands are hereby restored to the operation of the public land laws, subject to any valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals provided, that, until 10 a.m. on June 22, 1962, the State of Michigan shall have a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

Inquiries concerning the lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Washington 25, D.C.

JOHN A. CARVER, Jr.,  
Acting Secretary of the Interior.

DECEMBER 22, 1961.

[F.R. Doc. 62-13; Filed, Jan. 2, 1962;  
8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ 43 CFR Part 161 ]

### THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS

#### Notice of Proposed Rule Making

**Basis and purpose.** Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the act of June 28, 1934 (48 Stat. 1269, 43 U.S.C. 315, 315a-315r), as amended and supplemented, it is proposed to amend and revise the regulations issued under the said act as set forth below. The purpose for these changes is to permit the establishment of a grazing fee based on a percentage adjustment in the rate which would be determined by the same formula that is now in effect.

It is the policy of the Department, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within 30 days of publication of this notice in the FEDERAL REGISTER.

1. Paragraph (b) of § 161.8 is amended to read as follows:

§ 161.8 Fees; time of payment; refunds.

(b) *Licenses and permits; rates.* (1) Each regular licensee or permittee, and holder of a nonrenewable license will be charged for use of the range and a range improvement fee, for the animal unit months authorized by the license or permit, at a rate per animal unit month. All billing shall be issued in accordance with the rates prescribed in subparagraph (2) of this paragraph. All livestock 6 months of age or over allowed on the Federal range will be considered at any point of time during the grazing period as a part of the total number for which a license or permit has been issued. No fees will be charged for livestock under 6 months of age. Range improvement fees may vary in accordance with the character or requirements of the various districts or portions thereof. Grazing fees may differ in any district or unit thereof in which the grazing capacity of the Federal range is increased by reason of the addition of land not owned by the United States, or by reason of a cooperative agreement or memorandum of understanding between the Bureau of Land Management, and any State or Federal agency, or any person, association, or corporation. A minimum annual charge of \$10 will be made on all regular licenses or permits, and nonrenewal licenses.

(2)(i) The fee or fees for any fee year, beginning on March 1, will be established by the Secretary at a rate

which is equivalent to a specified percentage, to be fixed by the Secretary, of the average of the prices per pound of beef and lamb, rounded to the nearest whole cent, which was paid to growers during the preceding calendar year in the markets of the 11 Western States, as determined by the Secretary based upon market prices as reported by the Agricultural Marketing Service of the Department of Agriculture.

(ii) The fee for any fee year may be changed by the Secretary from that of the preceding year by fixing a new specified percentage of the average of the prices per pound of beef and lamb. The fee for any fee year shall, in any event, be adjusted by the Secretary, in addition to any percentage adjustment that may be made, to conform to changes in market price conditions whenever in the preceding calendar year there is a change in the average of such prices, rounded off to the nearest whole cent, of 2 cents or more above or below the corresponding average for the preceding year.

(iii) The fee or fees established by the Secretary for any fee year, including announcement of the portion thereof to be credited to the range improvement fund, will be published as a notice in the FEDERAL REGISTER. All regular billings shall be issued in accordance with the rate or rates prescribed in the notice.

JOHN A. CARVER, Jr.,  
Acting Secretary of the Interior.

DECEMBER 22, 1961.

[F.R. Doc. 62-9; Filed, Jan. 2, 1962;  
8:45 a.m.]

| Species and quantity of livestock   | At first feeding station      | At second and subsequent feeding stations |
|---|-------------------------------|---|
| Cattle and beef type or range calves (for each car <sup>1</sup> )   | 200 lbs. of hay <sup>12</sup> | 300 lbs. of hay <sup>12</sup>             |
| Dairy calves (for each car deck <sup>1</sup> )  | 100 lbs. of hay <sup>12</sup> | 150 lbs. of hay <sup>12</sup>             |
| Horses and mules (for each car <sup>1</sup> )   | 400 lbs. of hay <sup>12</sup> | 400 lbs. of hay <sup>12</sup>             |
| Sheep and goats (for each car deck <sup>1</sup> )   | 200 lbs. of hay <sup>12</sup> | 300 lbs. of hay <sup>12</sup>             |
| Lambs and kids (for each car deck <sup>1</sup> )  | 100 lbs. of hay <sup>12</sup> | 150 lbs. of hay <sup>12</sup>             |
| Swine (for each carload lot, in single or double deck car, the amount of shelled corn, <sup>2</sup> indicated): |                               |   |
| Lots of not more than 18,000 lbs.   | 2 bushels.                    | 2 bushels.                                |
| More than 18,000 lbs. but not more than 21,000 lbs.   | 2½ bushels.                   | 2½ bushels.                               |
| More than 21,000 lbs. but not more than 24,000 lbs.   | 3 bushels.                    | 3 bushels.                                |
| More than 24,000 lbs. but not more than 27,000 lbs.   | 3½ bushels.                   | 3½ bushels.                               |
| More than 27,000 lbs. but not more than 30,000 lbs.   | 4 bushels.                    | 4 bushels.                                |
| More than 30,000 lbs.—proportionately larger amounts.   |                               |   |

<sup>1</sup> The requirements set forth the sustaining rations for a full load of livestock in a railroad car 40 feet in length. The requirements for a full load of livestock in railroad cars of different sizes should be modified proportionately. i.e., a load of livestock transported in a car 50 feet in length would require an additional 25 percent of feed or 2.5 percent for each additional foot of car over 40 feet.

<sup>2</sup> Or the equivalent in other suitable feed. Dairy calves too young to eat hay or grain, or shipped without their dams, should be given a sufficient amount of prepared calf feed, milk, raw eggs, or other suitable feed. All feed should be of good quality.

(b) When the owner of a consignment of livestock desires that they be fed larger amounts of feed than those designated in paragraph (a) of this section for the particular kind and quantity of livestock, or the carrier believes that they should be fed larger amounts, the amounts to be fed should be agreed upon, if practicable, by the owner and the carrier at the time the animals are offered for shipment.

(c) When emergency conditions arise, such as severe changes in the weather,

## DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[ 9 CFR Part 89 ]

### STATEMENT OF POLICY UNDER THE TWENTY-EGHT HOUR LAW

#### Notice of Proposed Revision

Notice is hereby given that, pursuant to authority delegated under the Twenty-Eight Hour Law (34 Stat. 607; 45 U.S.C. 71-74, 19 F.R. 74, as amended), it is proposed to revise the statement of policy with respect to said act as set forth in Part 89, Title 9, Code of Federal Regulations, to read as follows:

It is the view of the Department of Agriculture that the feeding, watering, and resting of livestock in the course of transportation by railroad, from one State, Territory, or the District of Columbia, into or through another State, Territory, or the District of Columbia, in accordance with the recommendations set out herein will meet the requirements of the Twenty-Eight Hour Law (34 Stat. 607; 45 U.S.C. 71-74).

#### § 89.1 Amount of feed.

(a) Under normal conditions, the amounts of feed designated in the following schedule will be considered as sustaining rations for livestock in transit when fed at the intervals required by the Twenty-Eight Hour Law:

| Species and quantity of livestock   | At first feeding station      | At second and subsequent feeding stations |
|---|-------------------------------|---|
| Cattle and beef type or range calves (for each car <sup>1</sup> )   | 200 lbs. of hay <sup>12</sup> | 300 lbs. of hay <sup>12</sup>             |
| Dairy calves (for each car deck <sup>1</sup> )  | 100 lbs. of hay <sup>12</sup> | 150 lbs. of hay <sup>12</sup>             |
| Horses and mules (for each car <sup>1</sup> )   | 400 lbs. of hay <sup>12</sup> | 400 lbs. of hay <sup>12</sup>             |
| Sheep and goats (for each car deck <sup>1</sup> )   | 200 lbs. of hay <sup>12</sup> | 300 lbs. of hay <sup>12</sup>             |
| Lambs and kids (for each car deck <sup>1</sup> )  | 100 lbs. of hay <sup>12</sup> | 150 lbs. of hay <sup>12</sup>             |
| Swine (for each carload lot, in single or double deck car, the amount of shelled corn, <sup>2</sup> indicated): |                               |   |
| Lots of not more than 18,000 lbs.   | 2 bushels.                    | 2 bushels.                                |
| More than 18,000 lbs. but not more than 21,000 lbs.   | 2½ bushels.                   | 2½ bushels.                               |
| More than 21,000 lbs. but not more than 24,000 lbs.   | 3 bushels.                    | 3 bushels.                                |
| More than 24,000 lbs. but not more than 27,000 lbs.   | 3½ bushels.                   | 3½ bushels.                               |
| More than 27,000 lbs. but not more than 30,000 lbs.   | 4 bushels.                    | 4 bushels.                                |
| More than 30,000 lbs.—proportionately larger amounts.   |                               |   |

which increase the rigors of transportation, the livestock should receive amounts of feed, additional to those designated in paragraph (a) of this section sufficient to sustain them until they arrive at the next feeding station or destination.

(d) When the movement of livestock is delayed en route so that the period of their confinement in the cars materially exceeds that specified by the Twenty-Eight Hour Law, the livestock

should receive additional feed in proportion to such excess time.

**§ 89.2 Two or more feedings at same station.**

When livestock are held at a feeding station 12 hours after the last previous feed has been substantially consumed, they should again be fed the ration prescribed by § 89.1(a) for that station; *Provided, however*, That they may be held without such feeding for a period longer than 12 hours if the time they are so held, added to the time required to reach the next feeding station or destination, whichever is closer, would not ordinarily exceed 40 hours.

**§ 89.3 Feeding, watering, and resting livestock in the car.**

(a) Livestock should be unloaded into pens of the character described in § 89.5 (a) for feeding, watering, and resting, unless there is ample room in the car for all of the animals to lie down at the same time.

(b) If livestock are watered in the car, adequate facilities should be provided and ample water furnished to insure all the animals an opportunity to drink their fill. In the case of hogs, water should be available for not less than 1 hour.

(c) Livestock unloaded for feed and water and returned to the car for rest should be allowed to remain in the pens not less than 2 hours.

(d) Livestock unloaded for water and returned to the car for feed and rest should be allowed to remain in the pens not less than 1 hour.

(e) When livestock are fed in the car, the feed should be evenly distributed throughout the car.

**§ 89.4 Watering.**

Livestock should be furnished an ample supply of potable water. Water treated with chemicals for industrial or boiler use, or taken from streams or ponds containing sewage, mud, or other objectionable matter should not be used. Troughs and other receptacles should be clean. In cold weather, the water should be free from ice.

**§ 89.5 Feeding pens.**

(a) Stock pens and other enclosures for feeding, watering, and resting livestock in transit should have (1) sufficient space for all of the livestock to lie down at the same time, (2) properly designed facilities for feeding and watering the livestock, (3) reasonably well-drained, clean, and safe floors of concrete, cinders, gravel, hard-packed earth, or other suitable material, and (4) suitable protection from weather reasonably to be expected in the region in which the pens are located.

(b) Care should be taken to protect livestock unloaded en route at a point having marked difference in temperature from that at the point from which they were shipped.

Any person who wishes to submit written data, views, or arguments concerning the proposed revision may do so by filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, U.S. Department

of Agriculture, Washington 25, D.C., within 45 days after publication of this notice in the *FEDERAL REGISTER*.

Done at Washington, D.C., this 28th day of December 1961.

B. T. SHAW,  
Administrator,  
Agricultural Research Service.

[F.R. Doc. 62-41; Filed, Jan. 2, 1962;  
8:48 a.m.]

**Agricultural Stabilization and  
Conservation Service**

**[ 7 CFR Part 911 ]**

[Docket No. AO 262-A6]

**MILK IN TEXAS PANHANDLE  
MARKETING AREA**

**Decision on Proposed Amendments  
to Tentative Marketing Agreement  
and to Order**

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Amarillo, Tex., on April 14, 1961, pursuant to notice thereof issued on March 28, 1961 (26 F.R. 2750).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary, U.S. Department of Agriculture, on November 29, 1961 (26 F.R. 11495; F.R. Doc. 61-11497), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. No exceptions were filed to the recommended decision.

The material issues on the record of the hearing relate to:

1. The classification and accounting for dietary products and other fortified fluid milk products.
2. Pooling requirements for pool plants distributing milk in more than one regulated area.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The classification and accounting for dietary products and other fortified fluid milk products.

Dietary products and other fortified fluid milk products should be classified as Class I only up to the extent of the weight of an unmodified product of the same nature and butterfat content, excluding the dry weight of any nonmilk additives such as flavoring, sugar, etc. The skim milk equivalent of the nonfat milk solids not classified as Class I should be considered a Class II disposition.

The existing order provisions provide for full skim milk equivalent accounting. Hence, when nonfat milk solids in the form of nonfat dry milk or condensed milk are added to a fluid milk product to increase the nonfat milk solids content, the skim milk equivalent of the

total nonfat milk solids in the product is classified as Class I. Producer milk is given priority of assignment in Class I. When Class I utilization exceeds available producer receipts and other source milk is assigned to Class I a compensatory charge is applicable on the other source milk so assigned unless such milk has been classified and priced as Class I under another Federal order. When nonmilk products such as flavoring, etc., are used in making any milk product, the weight of such additives is deducted before reconciliation of the pounds of skim milk and butterfat to be classified.

Handlers proposed that fluid milk dietary foods be classified as Class II in lieu of the present Class I classification and that the skim milk equivalent accounting for nonfat milk solids used in fortification be discontinued. As an alternative, if the proposal to discontinue skim milk equivalent accounting was denied, handlers proposed that the skim milk equivalent be Class II. It was their position that the product cost resulting from the present Class I classification of dietary fluid milk products placed them at a competitive disadvantage with dietary milk products in dry form or in hermetically sealed containers made from non-Grade A milk and milk products distributed through grocery stores, drug stores, food establishments and similar outlets. They suggested that a lower classification and pricing would permit more competitive resale pricing and hence create a greater demand for their product. They contended that a Class I classification and pricing on the skim milk equivalent of nonfat milk solids used in the fortification of Class I products was unrealistic and resulted in undue cost to handlers. Their proposed change, they suggested, would serve to facilitate the economic disposition of the market's reserve supply.

Producers, on the other hand, opposed any change in the present accounting procedure. It was their position that full skim milk equivalent accounting is essential to protect the integrity of the classification scheme under the Federal order and that unless nonfat milk solids used in fortification are accounted for on a skim milk equivalent basis in Class I, handlers have opportunity to displace producer milk in Class I with lower priced other source milk.

A great deal of the testimony on the record was offered to substantiate that dietary milk products were, or were not, required to be made from locally approved milk under the health ordinance in effect in the marketing area. Regardless of the intent of the ordinance, it is apparent that the local health authority is not interpreting it in a manner so as to require that such products be made from locally approved milk. However, this is of little consequence since handlers are not permitted to bring fluid non-Grade A milk or skim milk into their fluid milk plants. Under any circumstances it is clear that, because of the perishability of the finished dietary product, handlers use only milk of the highest quality and hence they require and rely on local producers to furnish their full fluid milk require-

ments. Therefore, it is appropriate and necessary that the Class I classification be retained.

Fortified fluid milk products customarily result from the addition of nonfat milk solids in the form of condensed skim milk or nonfat dry milk to milk or skim milk in fluid form to yield a finished product of higher nonfat milk solids content than that of an equivalent amount of whole (producer) milk. Reconstituted products, on the other hand, generally involves the process of "floating" milk solids in the form of condensed milk or skim milk, dry milk, or nonfat dry milk in water to yield a weight of product approximately equal to the weight of milk, from which the condensed or dried milk product was first made by the removal of water.

Nonfat dry milk and condensed milk or skim milk are ordinarily derived from unpriced milk or milk which has been priced as surplus under a Federal order. These products are not necessarily processed from producer milk and may be made from ungraded milk. An economic incentive exists for handlers to substitute, where possible, reconstituted fluid milk products for fluid milk products processed from current receipts of producer milk. Since such substitution would displace an equivalent amount of producer milk in Class I, the application of skim milk equivalent accounting in this circumstance is economically sound and is necessary to maintain orderly marketing.

The same economic incentive does not exist, however, with respect to the use of nonfat dry milk, or condensed milk or skim milk to fortify a fluid milk product. If nonfat milk solids are to be derived from producer milk, the skim milk must first be processed into usable form; i.e., nonfat dry milk or condensed skim milk. Such products processed from producer milk have no greater value for fortification purposes than similar products purchased on the open market. Such products are used in fortification to increase the palatability of, and hence the salability of, the finished product. Fortification only slightly increases the volume of the product and under no circumstances can it be concluded that the added solids displace producer milk in Class I beyond the minor increase in volume which results.

When the skim milk equivalent provision is applied to fortified milk products, it inflates significantly the utilization and disposition of Class I milk. The inflation in the case of dietary food products results in a Class I classification of about two and one-half times the actual volume. For reasons previously stated it is neither necessary nor appropriate that handlers continue to be required to account and pay for this inflated volume in Class I. Nevertheless, it is practical and administratively necessary to maintain full skim milk equivalent accounting. These conclusions can be reconciled by providing that fortified fluid milk products shall be classified as Class I only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content, excluding the dry weight of any nonmilk

ingredient such as flavoring, sugar, etc. The skim milk equivalent of the nonfat milk solids not classified in Class I should be considered as Class II disposition.

No change was proposed in the accounting procedure followed in cases where flavoring and other nonmilk ingredients are used in processing unfortified products. In such cases the dry weight of such additives also should be deducted in determining the amount of skim milk and butterfat to be accounted for. This is generally consistent with the procedure now employed and of the conclusions previously set forth relative to the accounting procedure to be employed for fortified products. The changes in the fluid milk products definition and the classification provisions hereinafter set forth will implement these conclusions.

*2. Modification of the requirements for pooling plants also meeting the pooling requirements of another Federal order.* The pooling provisions of the order should be modified to permit a distributing plant meeting the requirements for full regulation under both this order and another Federal order and with a greater proportion of its Class I disposition in the other market, but which was pooled under this order in the most recent month, to retain pooling status under this order until the third consecutive month in which a greater volume of Class I sales is made in such other marketing area. However, it must be recognized that the provisions of the other order may require such plant to be pooled under such other order. In such circumstances, the plant should be exempted from regulation under this order except for a requirement to file reports and permit verification. Provision also should be made to exempt a distributing plant doing a greater proportion of its total Class I business in this marketing area but which, nevertheless, retains pooling status for the month under another order. Federal orders generally provide that a distributing plant meeting the pooling requirements of more than one order shall be regulated under that order covering the area in which the greater volume of Class I sales are made. Nevertheless, it should be recognized that other orders may contain similar provisions to those herein proposed to deter plants from changing back and forth between two orders on a month-to-month basis.

Under the present order provision a distributing plant which distributes fifty percent of its receipts as Class I milk on routes or through plant stores, and fifteen percent of receipts are so disposed of in the marketing area, is subject to full regulation under this order unless a greater volume of Class I milk is disposed of to retail or wholesale outlets in another marketing area and the plant is fully regulated under such other order.

A regulated handler under the North Texas order, operating packaging plants in both Fort Worth and Dallas, and distributing milk in both the North Texas and Central West Texas markets, as well as the Texas Panhandle market, proposed that the order be amended to exempt from pooling under this order a plant meeting the pooling requirements of this order, unless its Class I sales in this

market should exceed Class I sales in another Federal order market over an extended period of time. He indicated that because of his company's experience in making sales in the Central West Texas and North Texas Federal order markets, where sales in the two markets were of such nature that a small increase in sales in one market or decrease in the other market could result in regulation of his plant under one order one month and under the second order the next month, it was desirable that a provision similar to that herein recommended be included in this order.

Proponent's distribution in the Texas Panhandle market is not presently of a magnitude that either of his North Texas pool plants is likely to become regulated under this order. Nevertheless, it should be recognized, with recent technological changes in the processing and distribution field, that milk is moved great distances and distribution routes are being greatly extended. It is possible that at some future time this handler or some other handler presently regulated under another order may expand his distribution in the market to such an extent that sales in the two markets are approximately equal. In such event the loss of an account in one market or the adding of an account in the other market might result in a shift in regulation. In situations where sales in two markets are virtually the same, an inadvertent sale, the result of a management error or error on the part of a plant employee or a route salesman, might result in an unintended change in pooling. It would also be possible, as proponent suggests, that a change in classification during audit might have the same effect.

The prospective situation can be substantially removed by adoption of the changes herein recommended. Under this procedure a handler would have two months warning that his plant was changing from one regulation to another, thus providing reasonable time to permit adjustment of his business in cases where such change was not contemplated or desired. At the same time this change retains the principle of regulating a distributing plant under that order where the greater proportion of its business is done. Since government contracts normally are made for longer periods than two months there is no reason to expect that the changes recommended will have any significant effect in the length of time in which a plant is pooled in a particular market where the change in proportion of business is the result of gaining or losing a government contract. Accordingly, the provision should be adopted.

Supply plants are regulated under this order in any month in which 50 percent of receipts from dairy farmers are shipped to pool distributing plants. Any plant shipping 50 percent of its receipts to the local market should be considered primarily associated with this market and should therefore be fully regulated. The existing order so provides and no change is needed in this regard.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs,

proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

**General findings.** The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

**Marketing agreement and order.** Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Texas Panhandle Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Texas Panhandle Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

**It is hereby ordered,** That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

**Determination of representative period.** The month of November 1961, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Texas Panhandle marketing area, is approved or favored by producers, as defined under the terms

of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on December 27, 1961.

CHARLES S. MURPHY,  
Under Secretary.

*Order<sup>1</sup> Amending the Order Regulating the Handling of Milk in the Texas Panhandle Marketing Area*

**§ 911.0 Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order [and of the previously issued amendments thereto]; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) **Findings upon the basis of the hearing record.** Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Texas Panhandle marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

**Order relative to handling.** It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Texas Panhandle marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended,

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

and the aforesaid order is hereby amended as follows:

1. Delete § 911.15 and substitute therefor the following:

**§ 911.15 Fluid milk product.**

"Fluid milk product" means milk (including concentrated milk), skim milk (including reconstituted skim milk), buttermilk, milk drinks (plain or flavored), cream, or any fluid mixture of cream and milk or skim milk (except storage cream, aerated cream products, eggnog, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers): *Provided*, That when any such product is fortified with nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content.

**§ 911.41 [Amendment]**

2. Delete § 911.41(a) and substitute therefor the following:

(a) **Class I milk.** Class I milk shall be all skim milk and butterfat (1) disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2) of this section) and (2) not accounted for as Class II milk;

3. Delete the word "and" at the end of subparagraph (3) of § 911.41(b), renumber subparagraph (4) as subparagraph (5) and insert a new subparagraph (4) to read as follows:

(4) Reflecting the skim milk equivalent of nonfat milk solids used in the fortification of any fluid milk product and not accounted for as Class I milk pursuant to § 911.41(a) by virtue of the proviso of § 911.15; and

4. Delete § 911.61 and substitute therefor the following:

**§ 911.61 Plants subject to other Federal orders.**

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraphs (a) or (b) of this section except that the operator thereof shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A distributing plant meeting the requirements of § 911.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of to retail and wholesale outlets (excluding pool plants) in this marketing area, except that if such plant was subject to all the provisions of this order in the immediately preceding month, it shall continue to be subject to all the provisions of this order until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area un-



## PROPOSED RULE MAKING

less notwithstanding the provisions of this paragraph it is regulated under such other order.

(b) A distributing plant meeting the requirements of § 911.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month to retail and wholesale outlets (excluding pool plants) in this marketing area than is disposed of on routes in such other marketing area but which plant is nevertheless fully regulated under such other Federal order.

[F.R. Doc. 62-42; Filed, Jan. 2, 1962; 8:48 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

#### [ 21 CFR Part 121 ]

#### FOOD ADDITIVES

##### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 420) has been filed by The Baker Castor Oil Company, 40 Avenue A, Bayonne, N.J., proposing the issuance of a regulation to provide for the safe use of castor oil as a lubricant for machinery used in the production of hard candy.

Dated: December 26, 1961.

J. K. KIRK,  
Assistant Commissioner  
of Food and Drugs.

[F.R. Doc. 62-26; Filed, Jan. 2, 1962; 8:47 a.m.]

#### [ 21 CFR Part 121 ]

#### FOOD ADDITIVES

##### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 570) has been filed by Chemical Process Company, Post Office Box 829, Redwood City, Calif., proposing the issuance of a regulation to provide for the safe use in food processing of ion exchange resins of the following types:

1. Phenol - formaldehyde activated with polyethyleneamines.
2. Polyethyleneamines cross linked with epichlorohydrin.
3. Sulfonated phenol-formaldehyde.
4. Sulfonated styrene-divinylbenzene copolymer.
5. Polystyrene activated with quaternary ammonium groups.
6. Phenol - formaldehyde activated with cupric sulfate.

### 7. Polymethacrylic acid - divinylbenzene copolymer.

Dated: December 26, 1961.

J. K. KIRK,  
Assistant Commissioner of  
Food and Drugs.

[F.R. Doc. 62-27; Filed, Jan. 2, 1962; 8:47 a.m.]

#### [ 21 CFR Part 121 ]

#### FOOD ADDITIVES

##### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 565) has been filed by Commercial Solvents Corporation, Terre Haute, Ind., proposing the issuance of a regulation to provide for the safe use of feed-grade zinc bacitracin or a combination of feed-grade zinc bacitracin and procaine penicillin (3:1 ratio) up to a level of 500 grams of antibiotic per ton of poultry feed, for the treatment of chronic respiratory disease in chickens and turkeys, infectious sinusitis in turkeys, blue comb (nonspecific infectious enteritis, mud fever) in chickens and turkeys, and early mortality in chicks.

Dated: December 26, 1961.

J. K. KIRK,  
Assistant Commissioner  
of Food and Drugs.

[F.R. Doc. 62-28; Filed, Jan. 2, 1962; 8:47 a.m.]

#### [ 21 CFR Part 121 ]

#### FOOD ADDITIVES

##### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 632) has been filed by Hercules Powder Company, Inc., 910 Market Street, Wilmington 99, Del., proposing the issuance of a regulation to provide for the safe use of ethyl cellulose as a component of protective coatings and as a binder and filler for vitamin and mineral preparations for human and animal use.

Dated: December 26, 1961.

J. K. KIRK,  
Assistant Commissioner of  
Food and Drugs.

[F.R. Doc. 62-29; Filed, Jan. 2, 1962; 8:47 a.m.]

#### [ 21 CFR Part 121 ]

#### FOOD ADDITIVES

##### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 659) has been filed by Vitagen

Corporation, 354 South Spring Street, Los Angeles 13, Calif., proposing the issuance of a regulation to provide for the safe use of combustion product gas to remove or displace oxygen in the packaging of fresh leafy vegetables.

Dated: December 26, 1961.

J. K. KIRK,  
Assistant Commissioner  
of Food and Drugs.

[F.R. Doc. 62-30; Filed, Jan. 2, 1962; 8:47 a.m.]

## FEDERAL AVIATION AGENCY

#### [ 14 CFR Part 610 ]

[Reg. Docket No. 1014; Draft Release No. 61-28]

### MINIMUM EN ROUTE IFR ALTITUDES

#### Designated Mountainous Areas; Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27) notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 610.3 and 610.8 of the regulations of the Administrator, as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before February 19, 1962, will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired.

The official docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C.

Under Part 610, certain areas of the United States have been designated by the Administrator as mountainous areas. In these areas, it is necessary to establish, with appropriate exceptions, minimum IFR altitudes at 2,000 feet above the highest obstacle on the airway or off-airway route because of the accompanying weather phenomena, pressure differentials and disturbed air flow attending the passage of strong winds over the mountains. Since these conditions exist in the mountainous areas of the Aleutian Group of the State of Alaska and the State of Hawaii, it is deemed advisable to designate these areas as "Mountainous Areas." Accordingly, it is proposed to delete § 610.8(c) (2) (v) which excepts the Aleutian Group from that portion of Alaska presently designated as "Mountainous Area." It is also proposed to except from the designated

Mountainous Area of Alaska a small coastal area in northern Alaska where mountainous terrain does not exist.

Consideration is also being given to including the Commonwealth of Puerto Rico as a designated "Mountainous Area." A considerable portion of Puerto Rico is mountainous terrain and would generally be considered to qualify for such designation although very little weather in the area would be accompanied by icing, turbulence or atmospheric eddies, vortices, and waves that would produce pressure differentials that would be hazardous to flight operations.

This proposal also contains an exception to the criteria used in the establishment of minimum en route altitudes to permit the designation of specific routes at altitudes less than 2,000 feet for the mountainous areas in Puerto Rico and Hawaii.

The proposed changes in designated mountainous terrain are depicted on the maps accompanying this proposal.

In consideration of the foregoing, it is proposed that Part 610 of the regulations of the Administrator (14 CFR Part 610) be amended as follows:

#### § 610.3 [Amendment]

1. By amending the introductory paragraph of § 610.3(b)(2)(i) to read as follows:

(i) *Exceptions.* Altitudes may be established providing only 1,200 feet obstruction clearance in the designated mountainous areas of the eastern United States and the Commonwealth of Puerto Rico, and 1,600 feet obstruction clearance in the designated mountainous areas of the western United States and the States of Alaska and Hawaii: *Provided*, That consideration will be given to the following items before altitudes providing less than 2,000 feet obstruction clearance in these areas are established:

#### § 610.8 [Amendment]

2. By amending § 610.8(c)(2)(v) to read as follows:

(v) Beginning at a point where latitude 69°30' intersects the northwest coast of Alaska and eastward along the 69°30' parallel to the 150° meridian, thence northward along the 150° Meridian to 69°50' north latitude, thence eastward along the 69°50' parallel to a point where

69°50' intersects the northeast coastline of Alaska.

3. By substituting the accompanying map of mountainous terrain, Alaska, for the present map of mountainous terrain, Alaska, following § 610.8.

4. By amending § 610.8 by adding new paragraphs (d) and (e) to read as follows:

#### § 610.8 Mountainous areas.

(d) *Hawaii.*<sup>11</sup> All of the State of Hawaii.

(e) *Puerto Rico.*<sup>12</sup> All of the Commonwealth of Puerto Rico.

This amendment is proposed under section 313(a), 307(c), and 601 of the Federal Aviation Act of 1958.

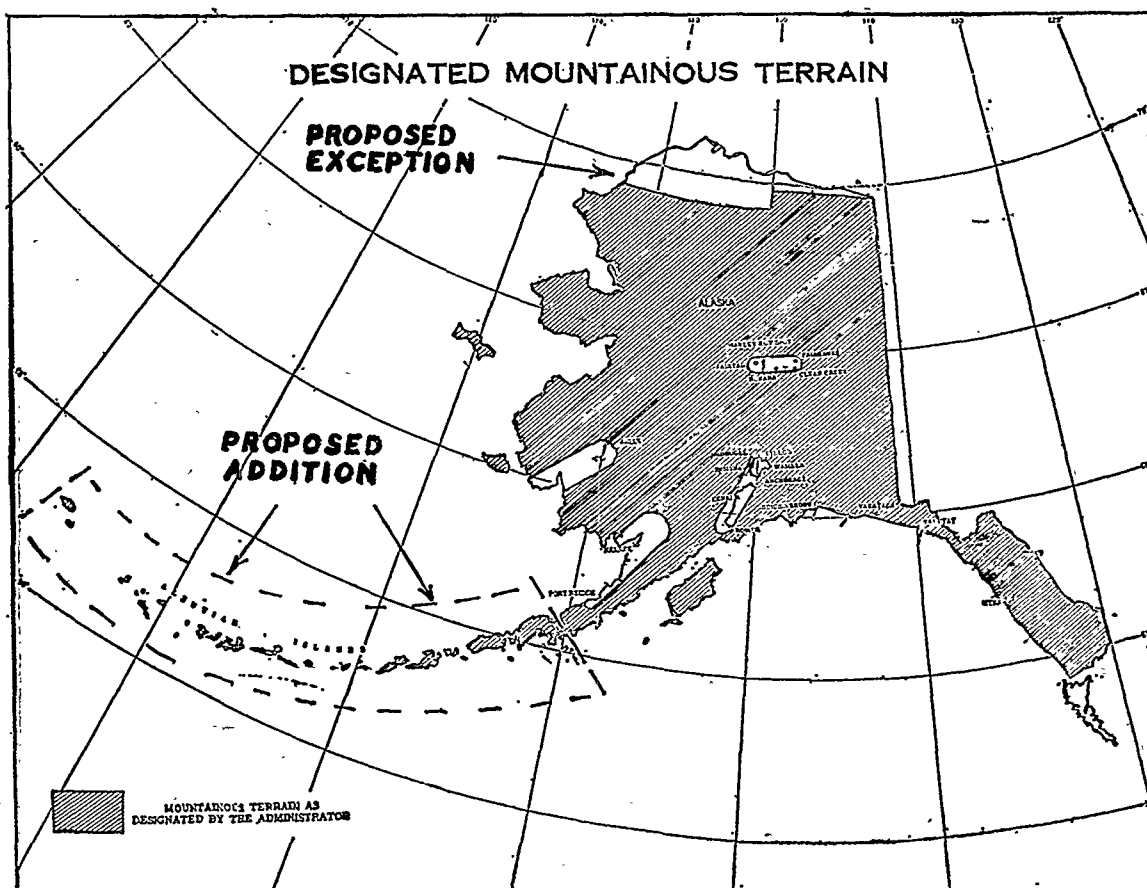
(72 Stat. 752, 740, 775, 49 U.S.C. 1354(a), 1348(c), 1421)

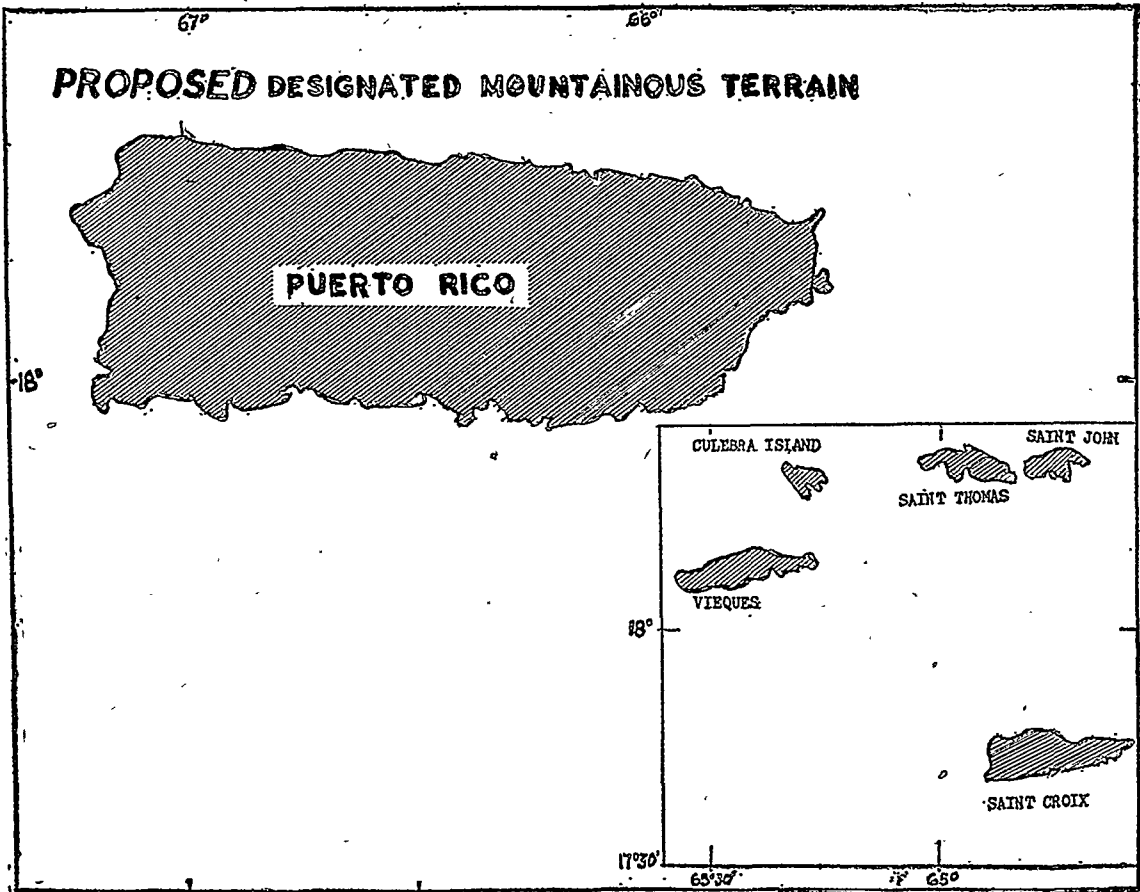
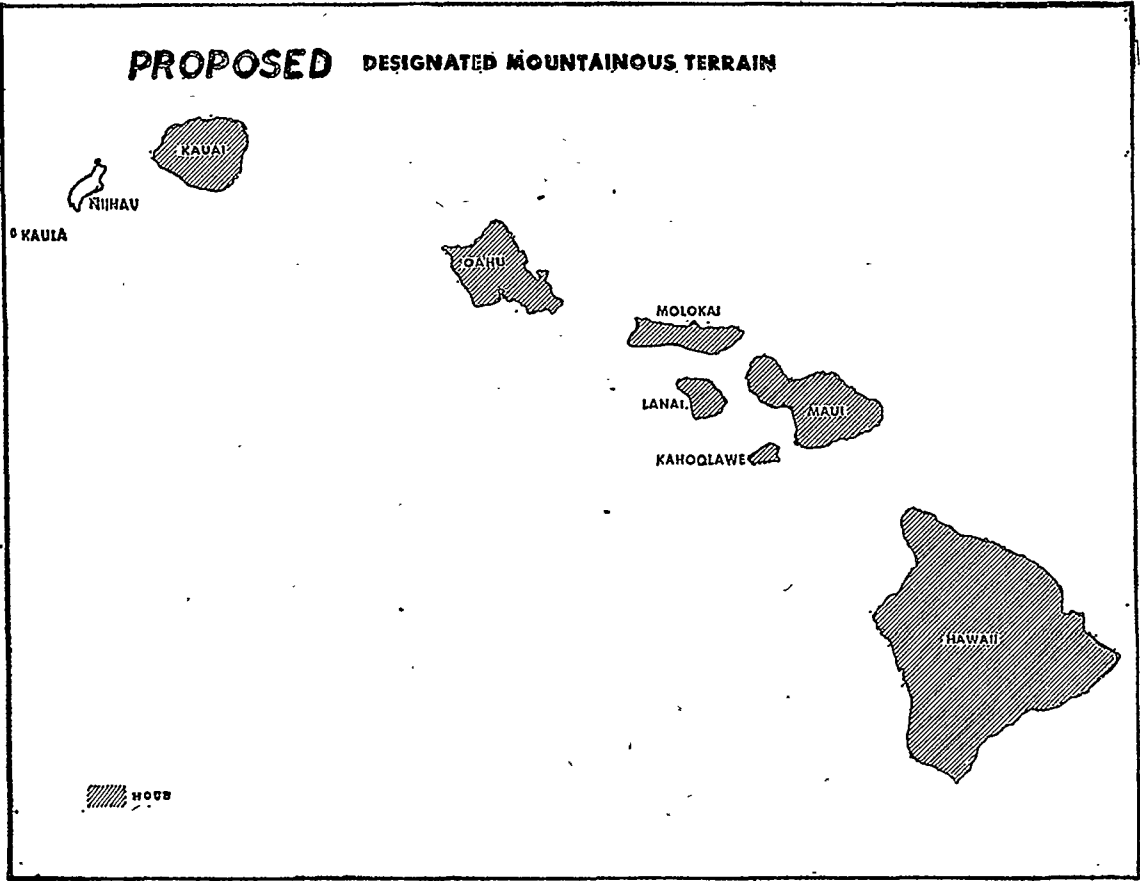
Issued in Washington, D.C., on December 22, 1961.

GEORGE C. PRILL,  
Director, Flight Standards Service.

<sup>11</sup> See map of mountainous terrain, Hawaii.

<sup>12</sup> See map of mountainous terrain, Puerto Rico.







## [ 14 CFR Part 608 ]

[Airspace Docket No. 59-WA-379]

## SPECIAL USE AIRSPACE

Withdrawal of Proposal To Revoke  
Restricted Areas

On November 11, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 9210), stating that the Federal Aviation Agency (FAA) was considering a proposal to revoke the Patuxent, Md., Restricted Areas R-4005 (formerly R-39), R-4006 (formerly R-43), and R-4007 (formerly R-71), because of insufficient justification to warrant continued designation.

Subsequent to the publication of the notice, the Department of the Navy requested action be withheld pending further study of the Patuxent River restricted area complex.

The FAA concurred with this request and conducted studies of the Patuxent complex. These studies indicate apparent justification for continued designation of some special use airspace in this area, but of lesser dimensions than that presently designated. Thus, action is taken herein to withdraw Airspace Docket No. 59-WA-379; however, a proposal will be published in the near future advocating the release to general aviation of the portions of the Patuxent complex considered excess to the Navy's needs.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the

proposal contained in Airspace Docket No. 59-WA-379 is withdrawn.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., December 27, 1961.

W. THOMAS DEASON,  
Assistant Chief,  
Airspace Utilization Division.

[F.R. Doc. 62-4; Filed, Jan. 2, 1962;  
8:45 a.m.]

FEDERAL COMMUNICATIONS  
COMMISSION

## [ 47 CFR Parts 7, 8, 14 ]

[Docket No. 14375]

IMPLEMENTATION OF CERTAIN RE-  
QUIREMENTS OF THE GENEVA  
RADIO REGULATIONS (1959)Maritime Mobile and Maritime Radio  
Determination Operations

The Commission having under consideration a petition, filed December 18, 1961, by the Radio Technical Committee, U.S. Power Squadrons (RTC) requesting a 60-day extension of time in which to file comments in this proceeding; a petition, filed December 21, 1961, by the American Merchant Marine Institute, Inc., requesting a 30-day extension of time; and a petition, filed December 20, 1961, by the Central Committee on Communications Facilities of the American Petroleum Institute (API) requesting a 30-day extension of time;

It appearing, that RTC's request is made so that its membership can consider the proposal at its meeting to be held January 13, 1962; that AMMI's request is based upon the fact that review of the volume of material contained in the proposal cannot be completed and recommendations prepared prior to January 5, 1962, the present date by which comments must be filed; and that API's request is made because it cannot complete formulation of its position prior to January 5, 1962; and

It appearing, that it is desirable to have the views of these organizations in this proceeding; and

It appearing, that an additional 30 days for filing comments is an ample and reasonable extension of the time period;

*It is ordered*, That the time for filing comments in the subject docket is hereby extended from January 5, 1962, to February 5, 1962;

*It is further ordered*, That reply comments must be filed on or before February 15, 1962;

*It is further ordered*, That the petition of AMMI is granted; the petition of RTC is granted insofar as it is consistent with the action herein taken and is denied in all other respects; and the petition of API is granted.

Adopted: December 26, 1961.

Released: December 27, 1961.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 62-38; Filed, Jan. 2, 1962;  
8:48 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[AA 643.3-W]

### PORTLAND CEMENT FROM JAPAN

**Notice That There Is Reason To Believe or Suspect Purchase Price Is Less or Likely To Be Less Than Foreign Market Value**

DECEMBER 27, 1961.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of white portland cement imported from Japan is less or likely to be less than the foreign market value as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of white portland cement from Japan pursuant to section 14.9 of the Customs Regulations (19 CFR 14.9).

The complaint in this case was made by the firm of O'Melveny & Myers on behalf of the Riverside Cement Company, a division of the American Cement Corporation.

[SEAL] PHILIP NICHOLS, Jr.,  
Commissioner of Customs.

[F.R. Doc. 62-31; Filed, Jan. 2, 1962;  
8:47 a.m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

### LOUISIANA AND MISSISSIPPI

### Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961), it has been determined that in the following counties in the States of Louisiana and Mississippi natural disasters have caused a need for agricultural credit not readily available from commercial banks, co-operative lending agencies, or other responsible sources.

#### LOUISIANA

|              |               |
|--------------|---------------|
| Acadia       | Madison       |
| Bossier      | Morehouse     |
| Blenville    | Pointe Coupee |
| Caddo        | Rapides       |
| Catahoula    | Red River     |
| Concordia    | Richland      |
| DeSoto       | St. Landry    |
| East Carroll | St. Martin    |
| Franklin     | Tensas        |
| Lafayette    | Union         |
| LaSalle      | West Carroll  |

#### MISSISSIPPI

|                 |         |
|-----------------|---------|
| Choctaw         | Madison |
| Claborne        | Rankin  |
| Jefferson       | Simpson |
| Jefferson Davis | Webster |
| Lawrence        | Winston |

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 27th day of December 1961.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 62-20; Filed, Jan. 2, 1962;  
8:46 a.m.]

### Agricultural Research Service

### IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

#### List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the

statement of policy thereunder in 9 CFR Part 181 the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.), which were officially reported on December 1, 1961, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after December 1, as using humane methods on December 1 or a later date in December, will be listed in a supplemental list. Previously published lists represented establishments reported in November or December 1961, as humanely slaughtering and handling the designated species of livestock on November 1 or some later date in November 1961 (26 F.R. 11742 and 11915). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

| Name of establishments             | Establishment No. | Cattle | Calves | Sheep | Goats | Swine | Horses |
|------------------------------------|-------------------|--------|--------|-------|-------|-------|--------|
| Armour and Co.                     | 2AG               | (C)    |        |       |       |       |        |
| Do.                                | 2AT               |        |        | (C)   |       | (C)   |        |
| Do.                                | 2AU               |        |        |       | (C)   |       |        |
| Do.                                | 2B                |        | (C)    |       |       | (C)   |        |
| Do.                                | 2E                |        |        | (C)   |       |       |        |
| Do.                                | 2H                |        | (C)    |       |       | (C)   |        |
| Do.                                | 2LT               |        |        |       |       |       |        |
| Do.                                | 2SD               |        | (C)    | (C)   | (C)   | (C)   |        |
| Do.                                | 2WN               |        | (C)    |       |       |       |        |
| Swift and Co.                      | 3A                |        | (C)    |       |       | (C)   |        |
| Do.                                | 3AC               |        |        |       |       |       |        |
| Do.                                | 3AF               |        | (C)    |       |       |       |        |
| Do.                                | 3AN               |        | (C)    |       |       |       |        |
| Do.                                | 3AW               |        |        |       |       | (C)   |        |
| Do.                                | 3O                |        | (C)    |       |       |       |        |
| Do.                                | 3D                |        | (C)    |       |       | (C)   |        |
| Do.                                | 3E                |        |        | (C)   |       |       |        |
| Do.                                | 3FF               |        | (C)    |       |       | (C)   |        |
| Do.                                | 3K                |        | (C)    |       |       |       |        |
| Do.                                | 3L                |        |        |       |       | (C)   |        |
| Do.                                | 3N                |        | (C)    |       |       | (C)   |        |
| Do.                                | 3NN               |        | (C)    |       |       | (C)   |        |
| Do.                                | 3R                |        |        |       |       |       |        |
| Do.                                | 3W                |        | (C)    |       |       | (C)   |        |
| Do.                                | 6C                |        |        |       |       |       |        |
| Lykes Bros., Inc.                  | 8                 |        |        |       |       |       |        |
| Hygrade Food Products Corp.        | 12                |        | (C)    | (C)   |       | (C)   |        |
| Do.                                | 12A               |        |        |       |       |       |        |
| Do.                                | 12D               |        |        |       |       |       |        |
| Do.                                | 12G               |        | (C)    |       |       | (C)   |        |
| Do.                                | 12P               |        |        |       |       |       |        |
| John Morrell and Co.               | 17D               |        | (C)    | (C)   |       | (C)   |        |
| G. Finkbeiner, Inc.                | 18                |        |        |       |       |       |        |
| The Cudahy Packing Co. of Nebraska | 19E               |        | (C)    |       |       | (C)   |        |
| Wilson and Co., Inc.               | 20A               |        |        |       |       | (C)   |        |
| Do.                                | 20Y               |        | (C)    |       |       | (C)   |        |
| Swift and Co.                      | 23                |        |        | (C)   |       |       |        |
| Brander Meat Co.                   | 25                |        | (C)    |       |       |       |        |
| The Sperry and Barnes Co.          | 27C               |        |        |       | (C)   | (C)   |        |
| Patrick Cudahy, Inc.               | 28                |        |        |       |       |       |        |
| Kreinberg and Krasny, Inc.         | 30                |        |        |       |       |       |        |
| Roegelien Provision Co.            | 32                |        | (C)    |       |       |       |        |
| Kenton Packing Co.                 | 36                |        |        |       |       | (C)   |        |
| Pocomoke Provision Co.             | 39                |        |        |       |       |       |        |
| Armour and Co.                     | 40                |        |        |       |       | (C)   |        |
| Stark Wetzel and Co., Inc.         | 44                |        |        |       |       |       |        |
| Do.                                | 44A               |        |        |       |       |       |        |
| Idaho Meat Packers                 | 46                |        | (C)    | (C)   |       | (C)   |        |
| Lackawanna Beef and Provision Co.  | 49                |        |        |       |       |       |        |
| Glover Packing Co. of Amarillo     | 60                |        |        |       |       |       |        |
| Selkirk Realty Co.                 | 65                |        |        |       |       | (C)   |        |

| Name of establishments                  | Establishment No. | Cattle | Calves | Sheep | Goats | Swine | Horses |
|---|-------------------|--------|--------|-------|-------|-------|--------|
| Somerville Packing Co.                  | 66                |        |        |       |       |       |        |
| The Quaker Oats Co.                     | 67E               |        |        |       |       |       |        |
| Eastern Packing Co.                     | 74E               |        |        |       |       |       |        |
| Armour and Co.                          | 75                |        |        |       |       |       |        |
| The Braun Brothers Packing Co.          | 76                |        |        |       |       |       |        |
| The Cudahy Packing Co.                  | 78                |        |        |       |       |       |        |
| Hill Packing Co.                        | 81                |        |        |       |       |       |        |
| Edgar Packing Co.                       | 83E               |        |        |       |       |       |        |
| The E. Kalms Sons Co.                   | 84                |        |        |       |       |       |        |
| Hygrade Food Products Corp.             | 89                |        |        |       |       |       |        |
| Sugarale Provision Co.                  | 90                |        |        |       |       |       |        |
| The Val Decker Packing Co.              | 92                |        |        |       |       |       |        |
| John Engolhorn and Sons                 | 95                |        |        |       |       |       |        |
| A. Koels Sons.                          | 97                |        |        |       |       |       |        |
| Liberty Packing Co.                     | 98                |        |        |       |       |       |        |
| J. Lynn Cornwell, Inc.                  | 101               |        |        |       |       |       |        |
| Morris Packing Co.                      | 107               |        |        |       |       |       |        |
| Wilson and Co., Inc.                    | 113               |        |        |       |       |       |        |
| E. J. Arcule and Sons, Inc.             | 118               |        |        |       |       |       |        |
| City Dressed Beef                       | 122               |        |        |       |       |       |        |
| Superior Packing Co.                    | 125               |        |        |       |       |       |        |
| John Roth and Son, Inc.                 | 127               |        |        |       |       |       |        |
| John Packing Co., Inc.                  | 130               |        |        |       |       |       |        |
| Ottawa Packing Co.                      | 132               |        |        |       |       |       |        |
| Armour and Co.                          | 139               |        |        |       |       |       |        |
| Edmond J. Kluener, Inc.                 | 142               |        |        |       |       |       |        |
| R. B. Rice, Sons Co., Inc.              | 144               |        |        |       |       |       |        |
| Stead Vetter Packing Co.                | 153               |        |        |       |       |       |        |
| Kansas City Dressed Beef Co.            | 156               |        |        |       |       |       |        |
| Armour and Co.                          | 168               |        |        |       |       |       |        |
| Missouri Farmers Assn. Packing Division | 169               |        |        |       |       |       |        |
| Do.                                     | 169A              |        |        |       |       |       |        |
| Armour and Co.                          | 177               |        |        |       |       |       |        |
| Peerless Packing Co.                    | 180               |        |        |       |       |       |        |
| Montrose Beef Co.                       | 181               |        |        |       |       |       |        |
| The Rath Packing Co.                    | 186               |        |        |       |       |       |        |
| Do.                                     | 186F              |        |        |       |       |       |        |
| John Morrell and Co.                    | 190               |        |        |       |       |       |        |
| United Fryer and Stillman, Inc.         | 198               |        |        |       |       |       |        |
| George A. Hornel and Co.                | 199               |        |        |       |       |       |        |
| Do.                                     | 199A              |        |        |       |       |       |        |
| Do.                                     | 199D              |        |        |       |       |       |        |
| Do.                                     | 199N              |        |        |       |       |       |        |
| Mid Valley Beef Co., Inc.               | 201               |        |        |       |       |       |        |
| Emgo Packing Co., Inc.                  | 203               |        |        |       |       |       |        |
| Central Packing Co., Inc.               | 208               |        |        |       |       |       |        |
| S. Adams Packing Co.                    | 211               |        |        |       |       |       |        |
| Elburn Packing Co.                      | 213               |        |        |       |       |       |        |
| Kneip Packing Co.                       | 213C              |        |        |       |       |       |        |
| Lincoln Meat Co.                        | 217               |        |        |       |       |       |        |
| York Packing Co., Inc.                  | 220               |        |        |       |       |       |        |
| Hygrade Food Products Corp.             | 224B              |        |        |       |       |       |        |
| Armour and Co.                          | 237               |        |        |       |       |       |        |
| Iowa Beef Packers, Inc.                 | 238               |        |        |       |       |       |        |
| Harget Realty Corp.                     | 247               |        |        |       |       |       |        |
| The Jones Dairy Farm.                   | 253               |        |        |       |       |       |        |
| Pacific Meat Co., Inc.                  | 267               |        |        |       |       |       |        |
| Elliott Packing Co.                     | 271               |        |        |       |       |       |        |
| American Stores Co.                     | 279               |        |        |       |       |       |        |
| Agar Packing Co., Inc.                  | 282               |        |        |       |       |       |        |
| Agge and Hutwagner Co.                  | 283               |        |        |       |       |       |        |
| Rossier Packing Co.                     | 284               |        |        |       |       |       |        |
| Thompson and Basham Co.                 | 289               |        |        |       |       |       |        |
| The J. H. Dressed Pork, Inc.            | 290               |        |        |       |       |       |        |
| Son City Dressed Pork, Inc.             | 292               |        |        |       |       |       |        |
| Gus J. Jellison, Inc.                   | 298               |        |        |       |       |       |        |
| St. J. Packing Co.                      | 307               |        |        |       |       |       |        |
| Melton Provision Co.                    | 311               |        |        |       |       |       |        |
| Ideal Packing Co., Inc.                 | 312               |        |        |       |       |       |        |
| Webb Packing Co.                        | 316               |        |        |       |       |       |        |
| Stadler Packing Co., Inc.               | 320               |        |        |       |       |       |        |
| O. and M. Meat Packing Corp.            | 326               |        |        |       |       |       |        |
| Sokolik Packing Co.                     | 331A              |        |        |       |       |       |        |
| Shapiro Packing Co., Inc.               | 332               |        |        |       |       |       |        |
| Peters Packing Co., Inc.                | 341               |        |        |       |       |       |        |
| State Packing Co.                       | 344               |        |        |       |       |       |        |
| Anza Packing Co.                        | 346               |        |        |       |       |       |        |
| Union Packing Co.                       | 351               |        |        |       |       |       |        |
| McCandless Pack Co., Inc.               | 353               |        |        |       |       |       |        |
| Meyers Packing Co.                      | 363               |        |        |       |       |       |        |
| United Dressed Beef Co.                 | 364               |        |        |       |       |       |        |
| Westport Packing Corp.                  | 369               |        |        |       |       |       |        |
| Bowling Provision Co., Inc.             | 372               |        |        |       |       |       |        |
| Fischer Packing Co.                     | 374               |        |        |       |       |       |        |
| Emgo Packing Co., Inc.                  | 380               |        |        |       |       |       |        |
| Liebmann Packing Co.                    | 388               |        |        |       |       |       |        |
| Dugdale Packing Co.                     | 390               |        |        |       |       |       |        |
| Oldham Farm Sausage Co., Inc.           | 392               |        |        |       |       |       |        |
| The Jacob Schlaechters Sons Co.         | 395               |        |        |       |       |       |        |
| Duburque Packing Co.                    | 396               |        |        |       |       |       |        |
| Logan Packing Co.                       | 397               |        |        |       |       |       |        |
| Endlich Packing Co., Inc.               | 410               |        |        |       |       |       |        |
| Frosty Morn Meats                       | 414               |        |        |       |       |       |        |
| Murray Packing Co., Inc.                | 421               |        |        |       |       |       |        |
| The Collins Packing Co.                 | 423               |        |        |       |       |       |        |
| Rebron Meat Packing Co.                 | 438               |        |        |       |       |       |        |
| Queen Packing Corp.                     | 439               |        |        |       |       |       |        |
| Schneider Packing Co.                   | 440               |        |        |       |       |       |        |
| Omaha Packed Beef Co., Inc.             | 448               |        |        |       |       |       |        |
| Peoples Packing Co., Inc.               | 450               |        |        |       |       |       |        |
| Morris Rifkin and Sons, Inc.            | 460               |        |        |       |       |       |        |
| Donner Packing Co.                      | 462               |        |        |       |       |       |        |
| Lincoln Packing Co.                     | 467               |        |        |       |       |       |        |
| Beowar Packing Co.                      | 468               |        |        |       |       |       |        |
| Corn Husker Packing Co.                 | 471               |        |        |       |       |       |        |
| Armour and Co.                          | 477               |        |        |       |       |       |        |
| Eldridge Packing Co.                    | 478               |        |        |       |       |       |        |
| Middletown Beef Co., Inc.               | 483               |        |        |       |       |       |        |
| St. Cloud Meat Packing Co.              | 485               |        |        |       |       |       |        |
| Memphis Butchers Association, Inc.      | 488               |        |        |       |       |       |        |
| Nebraska Beef Co.                       | 489               |        |        |       |       |       |        |
| Mid State Packers, Inc.                 | 494               |        |        |       |       |       |        |
| Triangle Meat Distributors, Inc.        | 497               |        |        |       |       |       |        |
| Helm Brothers Packing Co.               | 499               |        |        |       |       |       |        |
| Greenlee Pack Co.                       | 501               |        |        |       |       |       |        |
| B. Rothschild and Co.                   | 503               |        |        |       |       |       |        |
| Frosty Morn Meats                       | 507               |        |        |       |       |       |        |
| Armour and Co.                          | 509               |        |        |       |       |       |        |
| The Hull and Dillon Packing Co.         | 510               |        |        |       |       |       |        |
| Charles Miller and Co.                  | 513               |        |        |       |       |       |        |
| Capitol Packing Co.                     | 517               |        |        |       |       |       |        |
| Illinois Packing Co.                    | 521               |        |        |       |       |       |        |
| Pearl Packing Co., Inc.                 | 524               |        |        |       |       |       |        |
| Armour and Co.                          | 528               |        |        |       |       |       |        |
| Smallwood Packing Co., Inc.             | 529               |        |        |       |       |       |        |
| Omaha Packing Co.                       | 532               |        |        |       |       |       |        |
| Pepper Packing Co.                      | 539               |        |        |       |       |       |        |
| Oscar Mayer and Co., Inc.               | 537A              |        |        |       |       |       |        |
| Do.                                     | 537C              |        |        |       |       |       |        |
| Midwest Packing Co.                     | 538               |        |        |       |       |       |        |
| United Dressed Meats, Inc.              | 540               |        |        |       |       |       |        |
| Swift and Co.                           | 546               |        |        |       |       |       |        |
| Future Packing Co.                      | 548               |        |        |       |       |       |        |
| Black Hills Packing Co.                 | 550               |        |        |       |       |       |        |
| Springfield Rendering Co.               | 554D              |        |        |       |       |       |        |
| Wild South Packers, Inc.                | 557               |        |        |       |       |       |        |
| Arnold W. Packing Co.                   | 560               |        |        |       |       |       |        |
| Dugdale Packing Co.                     | 562               |        |        |       |       |       |        |
| Packeland Packing Co., Inc.             | 564               |        |        |       |       |       |        |
| John Morrell and Co.                    | 569               |        |        |       |       |       |        |
| Elmer Binder & Son, Inc.                | 593               |        |        |       |       |       |        |
| Kinsford Packing Co., Inc.              | 594               |        |        |       |       |       |        |
| Stahl Meyer, Inc.                       | 594               |        |        |       |       |       |        |
| Empire Packing Co., Inc.                | 598               |        |        |       |       |       |        |
| City of Austin Municipal Abattoir       | 601               |        |        |       |       |       |        |
| Swift and Co.                           | 602               |        |        |       |       |       |        |
| San Antonio Packing Co.                 | 606               |        |        |       |       |       |        |
| Do.                                     | 608               |        |        |       |       |       |        |
| Eastern Oregon Meat Co., Inc.           | 611               |        |        |       |       |       |        |
| National Tea Co.                        | 613               |        |        |       |       |       |        |
| Donner Packing Co.                      | 614               |        |        |       |       |       |        |
| Kummer Packing Co.                      | 617               |        |        |       |       |       |        |
| Hill Packing Co.                        | 623E              |        |        |       |       |       |        |
| Big Foot Packing Co., Inc.              | 627               |        |        |       |       |       |        |
| E. A. Miller and Sons Packing Co., Inc. | 628               |        |        |       |       |       |        |
| H. H. Keim Co.                          | 630               |        |        |       |       |       |        |
| R. and C. Packing Co.                   | 646               |        |        |       |       |       |        |
| Br-J Provision Co.                      | 647               |        |        |       |       |       |        |
| John Morrell and Co.                    | 650               |        |        |       |       |       |        |

| Name of establishments                         | Establishment No. | Cattle | Calves | Sheep | Goats | Swine | Horses |
|--|-------------------|--------|--------|-------|-------|-------|--------|
| Nagle Packing Co.                              | 653               | Ⓢ      | Ⓢ      | Ⓢ     |       |       |        |
| Milwaukee Dressed Beef Co.                     | 654               | Ⓢ      |        |       |       |       |        |
| Wilson and Co., Inc.                           | 655               | Ⓢ      |        | Ⓢ     |       |       |        |
| Baums Bologna, Inc.                            | 657               | Ⓢ      |        |       |       |       |        |
| St. Louis Dressed Beef Co.                     | 659               | Ⓢ      |        |       |       |       |        |
| Crown Packing Co.                              | 666               | Ⓢ      |        |       |       | Ⓢ     |        |
| Scottsbluff Packing Co.                        | 671               | Ⓢ      |        | Ⓢ     |       |       |        |
| San Joaquin Packing Co.                        | 671               | Ⓢ      |        |       |       |       |        |
| Jacob Bauers Sons, Inc.                        | 678               | Ⓢ      |        |       |       |       |        |
| Colville Meats, Inc.                           | 679               | Ⓢ      |        |       |       |       |        |
| Armour and Co.                                 | 680               | Ⓢ      | Ⓢ      | Ⓢ     |       | Ⓢ     |        |
| Haas Davis Packing Co., Inc.                   | 682               | Ⓢ      | Ⓢ      | Ⓢ     |       | Ⓢ     |        |
| The William Fockes Sons Co.                    | 685               | Ⓢ      | Ⓢ      | Ⓢ     | Ⓢ     | Ⓢ     |        |
| The Sucher Packing Co.                         | 689               | Ⓢ      | Ⓢ      | Ⓢ     |       | Ⓢ     |        |
| Marco Packing Co.                              | 692               | Ⓢ      | Ⓢ      |       |       |       |        |
| Bryan Meat Co.                                 | 693               | Ⓢ      | Ⓢ      |       |       |       |        |
| Kramer Beef Co.                                | 695               | Ⓢ      | Ⓢ      |       |       |       |        |
| Carter Packing Co.                             | 698               | Ⓢ      | Ⓢ      |       |       |       |        |
| Central Nebraska Packing Co.                   | 713E              | Ⓢ      |        |       |       |       | Ⓢ      |
| Davenport Packing Co., Inc.                    | 716               | Ⓢ      |        |       |       |       |        |
| Crawford County Packing Co.                    | 717               | Ⓢ      |        |       |       | Ⓢ     |        |
| The Joseph N. Rice Co.                         | 719               | Ⓢ      | Ⓢ      |       |       |       |        |
| Coast Packing Co.                              | 724               | Ⓢ      |        |       |       | Ⓢ     |        |
| Decker and Son.                                | 727               | Ⓢ      |        |       |       | Ⓢ     |        |
| The Quaker Oats Co.                            | 734E              | Ⓢ      |        |       |       |       | Ⓢ      |
| Jacob Schlachters Sons Co.                     | 739               | Ⓢ      | Ⓢ      | Ⓢ     |       |       |        |
| Pioneer Provision Co.                          | 742               | Ⓢ      |        |       |       | Ⓢ     |        |
| Howard Pancero and Co.                         | 747               | Ⓢ      | Ⓢ      |       |       |       |        |
| Luck Brothers Cooperative Packing Co.          | 753               | Ⓢ      |        |       |       |       |        |
| Monroe Packing Co., Inc.                       | 755               | Ⓢ      |        |       |       |       |        |
| Seitz Packing Co., Inc.                        | 756A              | Ⓢ      |        |       |       | Ⓢ     |        |
| Earl C. Gibbs, Inc.                            | 770               | Ⓢ      |        |       |       |       |        |
| Modern Meat Packing Co.                        | 774               | Ⓢ      |        |       |       |       |        |
| Dale Packing Co., Inc.                         | 777               | Ⓢ      |        |       |       |       |        |
| Bryan Brothers Packing Co.                     | 780               | Ⓢ      | Ⓢ      |       |       | Ⓢ     |        |
| Granite State Packing Co.                      | 785               | Ⓢ      | Ⓢ      |       |       |       |        |
| Aurora Packing Co., Inc.                       | 788               | Ⓢ      |        |       |       |       |        |
| Wimp Packing Co.                               | 791               | Ⓢ      |        |       |       |       |        |
| Max Bauer Meat Packer                          | 800               | Ⓢ      | Ⓢ      |       |       |       |        |
| The G. Erhardt Sons, Inc.                      | 810               | Ⓢ      | Ⓢ      |       |       |       |        |
| McFarland, Inc.                                | 811               | Ⓢ      | Ⓢ      | Ⓢ     |       |       |        |
| William N. H. Peters                           | 813               | Ⓢ      |        |       |       | Ⓢ     |        |
| Rochester Independent Packer, Inc.             | 817               | Ⓢ      |        |       |       |       |        |
| Henry Meyers Sons, Inc.                        | 822               | Ⓢ      | Ⓢ      |       |       |       |        |
| Home Packing Co.                               | 823               | Ⓢ      | Ⓢ      |       |       | Ⓢ     |        |
| Penford Packing Co.                            | 827               | Ⓢ      | Ⓢ      |       |       |       |        |
| Bristol Packing Co.                            | 828               | Ⓢ      | Ⓢ      |       |       |       |        |
| Norman Peters Packing Co.                      | 834               | Ⓢ      |        |       |       |       |        |
| John Morrell and Co.                           | 836               | Ⓢ      |        |       |       |       |        |
| Nat Buring Packing Co. of Arkansas, Inc.       | 837B              | Ⓢ      |        |       |       | Ⓢ     |        |
| Frederick County Products, Inc.                | 838               | Ⓢ      | Ⓢ      | Ⓢ     |       | Ⓢ     |        |
| Herman Kempers Sons                            | 839               | Ⓢ      | Ⓢ      |       |       |       |        |
| G. Bartusch Packing Co.                        | 843               | Ⓢ      |        |       |       |       |        |
| Sioux City Dressed Beef, Inc.                  | 857               | Ⓢ      |        |       |       |       |        |
| Stouland Dressed Beef Co. Division of Needham. | 857F              | Ⓢ      |        | Ⓢ     |       |       |        |
| Jordan Meat & Livestock Co.                    | 858               | Ⓢ      | Ⓢ      | Ⓢ     |       | Ⓢ     |        |
| Wells and Davies, Inc.                         | 860               | Ⓢ      | Ⓢ      |       |       | Ⓢ     |        |
| Gunsberg Beef Co.                              | 867               | Ⓢ      |        |       |       |       |        |
| Genesee Packing Co.                            | 868               | Ⓢ      |        |       |       |       |        |
| Walden Packing Co., Inc.                       | 866               | Ⓢ      |        |       |       |       |        |
| William Davies Co., Inc.                       | 883A              | Ⓢ      |        |       |       | Ⓢ     |        |
| Rambol Packing Co.                             | 892               | Ⓢ      |        |       |       |       |        |
| Meats, Inc.                                    | 899               | Ⓢ      | Ⓢ      |       |       |       |        |
| Sigman Meat Co., Inc.                          | 901               | Ⓢ      | Ⓢ      |       |       |       |        |
| Sigman Meat Co. of Montana                     | 901A              | Ⓢ      |        |       |       |       |        |
| Hoesler Veterinary Laboratories, Inc.          | 912               | Ⓢ      |        |       |       | Ⓢ     |        |
| Chlapetti Packing Co.                          | 916               | Ⓢ      | Ⓢ      | Ⓢ     |       | Ⓢ     |        |
| National Meat Packers, Inc.                    | 917               | Ⓢ      | Ⓢ      |       |       | Ⓢ     |        |
| Valleydale Packers, Inc. of Bristol            | 922               | Ⓢ      | Ⓢ      |       |       | Ⓢ     |        |
| Wisconsin Packing Co.                          | 924               | Ⓢ      | Ⓢ      |       |       | Ⓢ     |        |
| Kerber Packing Co.                             | 929               | Ⓢ      | Ⓢ      |       |       | Ⓢ     |        |
| Tarpoiff Packing Co.                           | 931               | Ⓢ      | Ⓢ      |       |       |       |        |
| McKenney Meat Co.                              | 932               | Ⓢ      | Ⓢ      |       |       |       |        |
| Wilson and Co., Inc.                           | 940               | Ⓢ      | Ⓢ      | Ⓢ     | Ⓢ     | Ⓢ     |        |
| Delrich Meat Packers, Inc.                     | 944               | Ⓢ      |        |       |       |       |        |
| Whitehall Packing Co.                          | 946               | Ⓢ      |        |       |       |       |        |
| M. Brizer & Co.                                | 948               | Ⓢ      |        |       |       |       |        |
| Joe Doctorman and Son Packing Co., Inc.        | 949               | Ⓢ      | Ⓢ      | Ⓢ     | Ⓢ     | Ⓢ     |        |
| Armour and Co.                                 | 956               | Ⓢ      |        |       |       |       |        |
| Reliable Packing Co., Inc.                     | 959               | Ⓢ      |        |       |       | Ⓢ     |        |
| Earl Flick Wholesale Meats, Inc.               | 965               | Ⓢ      | Ⓢ      |       |       |       |        |
| Greeley Capitol Packing Co.                    | 969               | Ⓢ      | Ⓢ      | Ⓢ     |       |       |        |
| Hawaii Meat Co., Ltd.                          | 970               | Ⓢ      | Ⓢ      |       |       |       |        |
| National Food Stores, Inc.                     | 981               | Ⓢ      |        |       |       |       |        |
| Reitz Meat Products Co.                        | 983               | Ⓢ      |        |       |       | Ⓢ     |        |
| Hospers Packing Co.                            | 985               | Ⓢ      |        |       |       |       |        |
| Eagle Packing Co.                              | 987               | Ⓢ      |        |       |       |       |        |
| Everett C. Horlein and Son, Inc.               | 988               | Ⓢ      |        |       |       |       |        |
| The Klarer Co.                                 | 995               | Ⓢ      | Ⓢ      |       |       |       |        |
| Do.  | 995A              | Ⓢ      |        |       |       | Ⓢ     |        |
| Do.  | 995C              | Ⓢ      |        |       |       | Ⓢ     |        |
| Landy Packing Co.                              | 1171              | Ⓢ      |        |       |       |       |        |
| The Harris Packing Co.                         | 1175              | Ⓢ      |        |       |       | Ⓢ     |        |
| Nebraska Meat Packers, Inc.                    | 1307              | Ⓢ      |        |       |       |       |        |
| McCabe Packing Plant                           | 1312              | Ⓢ      | Ⓢ      | Ⓢ     |       |       |        |
| Nebraska Iowa Dressed Beef Co.                 | 1318              | Ⓢ      |        |       |       |       |        |

Done at Washington, D.C., this 26th day of December 1961.

C. H. PALS,  
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 62-40; Filed, Jan. 2, 1962; 8:47 a.m.]

## DEPARTMENT OF COMMERCE

Bureau of the Census

### ANNUAL SURVEYS IN MANUFACTURING AREA

#### Notice of Determination

In conformity with the Act of Congress approved August 31, 1954, Title 13, United States Code, section 181, and due notice having been published (26 F.R. page 10579, November 9, 1961) pursuant to said act, I have determined that annual data to be derived from the surveys listed below are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other government sources.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required of all establishments engaged in the production of the items covered by the following list of surveys with the exception of the lumber production and stocks survey which will be conducted on a sample basis. The surveys have been arranged under major group headings shown in the revised Standard Industrial Classification Manual (1957 edition) promulgated by the Bureau of the Budget for the use of Federal statistical agencies.

Major Group 20—Food and kindred products: Salad dressings, prepared animal feeds.

Major Group 22—Textile mill products: Stocks of wools (as of January 1, 1962), cotton and synthetic woven goods finished, broad woven fabrics, blends and mixtures; knit cloth, woolen and worsted machinery activity, yarn production.

Major Group 23—Apparel and other finished products made from fabrics and similar materials: Gloves and mittens, apparel, brassieres, corsets, and allied garments; sheets, pillowcases, and towels.

Major Group 24—Lumber and wood products, except furniture: Hardwood plywood, softwood plywood, softwood veneer, red cedar shingles, lumber.

Major Group 25—Furniture: Office furniture.

Major Group 26—Paper and allied products: Paper and board-detailed grades.

Major Group 28—Chemicals and allied products: Sulfuric acid, industrial gases, inorganic chemicals.

Major Group 32—Stone, clay and glass: Pressed and blown glassware.

Major Group 33—Primary metal industries: Steel mill products.

Major Group 34—Fabricated metal products, except ordnance, machinery, and transportation equipment: Aluminum foil, converted; steel power boilers; heating and cooking equipment.

Major Group 35—Machinery, except electrical: Internal combustion engines; tractors; farm machines and equipment; vending machines; refrigeration equipment; office, computing, and accounting machines; pumps and compressors.

Major Group 36—Electric machinery, equipment, and supplies: Radios, television and phonographs; motors and generators; wiring devices and supplies.

The following list of surveys represents annual counterparts of monthly, quarterly, an semi-annual surveys and will cover only those establishments which are not canvassed or do not report in the more frequent survey. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly, quarterly, and semi-annual reports except for Construction Machinery which will additionally call for data on shipments of power cranes and shovels, concrete mixers, and attachments for contractors' off-highway type tractors. Also, reports on man-made fiber, silk, woolen and worsted fabrics, on finishing plants, and on piece goods inventories listed below will call for information relating to the monthly fluctuations of stocks and unfilled orders for woven fabrics in addition to the annual production data.

Major Group 20—Food and kindred products: Flour milling products, confectionery products.

Major Group 22—Textile mill products: Man-made fiber, silk, woolen and worsted fabrics; finishing plant report-broad woven fabrics; piece goods inventories and orders; broad woven goods (cotton, wool, silk, and synthetic); consumption of wool and other fibers, and production of tops and nolls.

Major Group 25—Furniture and fixtures: Mattresses and bedsprings.

Major Group 26—Paper and allied products: Pulp, paper, and board; consumers of wood pulp; converted flexible packaging products.

Major Group 28—Chemicals and allied products: Superphosphates; paint, varnish, and lacquer.

Major Group 29—Petroleum refining and related industries: Asphalt and tar roofing and siding products.

Major Group 31—Leather and leather products: Shoes and slippers.

Major Group 32—Stone, clay and glass: Glass containers, refractories, clay construction products.

Major Group 33—Primary metal industries: Nonferrous castings; steel forgings; iron and steel foundries, blast furnaces, and steel ingot producers.

Major Group 34—Fabricated metal products, except ordnance, machinery, and transportation equipment: Plumbing fixtures; steel shipping barrels, drums, and pails; closures for containers; metal cans.

Major Group 35—Machinery, except electrical: Construction machinery; farm pumps; fans, blowers, and unit heaters.

Major Group 36—Electrical machinery, equipment, and supplies: Electric lamps, fluorescent lamp ballasts.

Major Group 37—Transportation equipment: Complete aircraft and aircraft engines; backlog of orders for aircraft, space vehicles, missiles, engines, and selected parts; aircraft propellers.

Also, the Annual Survey of Manufactures will be conducted and will call for general statistical data such as employment, payroll, man-hours, capital expenditures, cost of materials consumed, etc., in addition to information on value of products shipped and quantity data for selected classes of products. This survey, while conducted on a sample basis, will cover all manufacturing industries.

A survey of Research and Development Costs will also be conducted as an annual counterpart to the more detailed survey collected and compiled by the Bureau of

the Census for the National Science Foundation. The data to be obtained by the Census under its mandatory authority will be limited to total research and development costs of work performed by the company, total cost of research and development work performed for the Federal Government, and, for comparative purposes, total net sales and receipts, and total employment of the company. As for all counterpart type surveys there will be no duplication since firms that furnish the equivalent data as part of the more detailed voluntary survey conducted for the National Science Foundation will not be asked to file the separate Census questionnaire.

The report forms will be furnished to firms included in these surveys and additional copies are available on request to the Director, Bureau of the Census, Washington 25, D.C.

I have, therefore, directed that annual surveys be conducted for the purpose of collecting the data hereinabove described.

Dated: December 14, 1961.

[SEAL] RICHARD M. SCAMMON,  
Director,  
Bureau of the Census.

[F.R. Doc. 62-24; Filed, Jan. 2, 1962;  
8:46 a.m.]

## DISTRIBUTORS STOCKS OF CANNED FOODS

### Notice of Determination To Continue Survey

In conformity with the Act of Congress approved August 31, 1954, 13 U.S.C. 181, 224, and 225, and due Notice of Consideration having been published November 25, 1961 (26 F.R. 11097), pursuant to said act, I have determined that year-end data on stocks of 29 canned and bottled products, including vegetables, fruits, juices, and fish, are needed to aid the efficient performance of essential governmental functions, and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other governmental sources. This is a continuation of the survey conducted in previous years.

All respondents will be required to submit information covering their December 31, 1961, inventories of 29 canned and bottled vegetables, fruits, juices, and fish. Reports will not be required from all firms but will be limited to a scientifically selected sample of wholesalers and retail multiunit organizations handling canned foods, in order to provide year-end inventories of the specified canned food items with measurable reliability. These stocks will be measured in terms of actual cases with separate data requested for "all sizes smaller than No. 10" and for "sizes No. 10 or larger."

Report forms will be furnished to firms covered by the survey. Additional copies of the forms are available on request to the Director, Bureau of the Census, Washington 25, D.C.

Reports are due 8 days after receipt of the report forms.

I have therefore directed that this annual survey be conducted for the purpose of collecting these data.

RICHARD M. SCAMMON,  
Director,  
Bureau of the Census.

[F.R. Doc. 62-25; Filed, Jan. 2, 1962;  
8:46 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-181]

### MARTIN-MARIETTA CORP.

#### Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to March 15, 1962, the latest completion date specified in Construction Permit No. CPCS-1 for the construction of the production facility for processing multikilocurie quantities of irradiated material containing special nuclear material into forms suitable for isotopic power sources at a site the Corporation has leased at Quehanna, Pa.

Copies of the Commission's order and of the application by Martin-Marietta Corporation are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Maryland this 22d day of December 1961.

For the Atomic Energy Commission.

EBER R. PRICE,  
Acting Director, Division of  
Licensing and Regulation.

[F.R. Doc. 62-1; Filed, Jan. 2, 1962;  
8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket 13268]

### CIA. RUTAS INTERNACIONALES PERUANAS S.A.

#### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 10, 1962, at 10 a.m., e.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., December 27, 1961.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 62-33; Filed, Jan. 2, 1962;  
8:47 a.m.]

[Docket 13313; Order No. E-17885]

### UNITED AIR LINES, INC.

#### Passenger Fares; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of December 1961.

On November 1, 1961, United Air Lines, Inc. (United), filed a tariff effective January 1, 1962, proposing to increase its first-class jet fares by \$1 and its first-class propeller fares by approximately 6 percent plus \$1; to increase its day coach fares (jet and piston) by 5 percent plus \$1; and to cancel its night coach fares. United states that these fare changes would increase its passenger revenues by 6.5 percent.

Six other carriers—American, Eastern, Braniff, Delta, Northeast, and TWA—have set forth their proposals for fare increases in letters to the Board and have stated their intention to file new tariffs in the future. The proposals embrace a fairly wide range of fare changes, at least in detail. These carriers appear unanimous in their proposals to decrease the spread between first-class and coach fares, generally (but not in every instance) by increasing coach fares approximately 5 percent, or to a range of 83 to 85 percent of first-class fares. Generally, the carriers propose little or no increases in first-class fares. American, however, would reduce long-haul (over 1,200 miles) first-class fares by 5 percent and increase the corresponding coach fares by 5 percent. Various carriers would cancel certain discounts or promotional fares.<sup>1</sup> In support of their fare proposals, the carriers state that for the past few years the rate of return on invested

capital has been inadequate and below the return found appropriate by the Board in the General Passenger Fare Investigation. The carriers point out that in 1960 the domestic trunklines earned only 3.25 percent on their investment and that for the first 9 months of 1961 there is evidence of further decline in earnings. The carriers assert that if the present low level of earnings is continued, the industry's financial structure will be threatened; and that there must be some fare increase to check and possibly reverse this unfavorable trend in earnings.

The principal problem of the industry, according to the carriers, is the continuing diversion of passenger traffic from first class to coach; that coach service, particularly on jets, has been such a tremendous bargain that first-class passengers have been diverted to this service in large numbers, thus reducing passenger mile yields and overall profits.<sup>2</sup>

The 11 domestic trunklines reported a composite return on investment of 2.1 percent<sup>3</sup> for the 12-month period ended September 30, 1961. That level of earnings is inadequate by any standard. Moreover, those results mark the low point in a declining trend of earnings experienced during the last 6 years, notwithstanding a series of fare adjustments starting in February of 1958 which to date have increased the average first class fare by 23 percent and the average coach fare by 27 percent. The overall fare level has increased by almost 25 percent in this period.

This same 6-year period has seen a substantial reduction in the year-to-year rate of passenger traffic growth from growth rates enjoyed during the first half of the 1950's. Capacity, however, during this period was increased at a faster rate than traffic with the result that industry passenger load factors have declined nearly 7 points from the favorable levels maintained during 1954 and 1955. Furthermore, aircraft now on order and scheduled for delivery during 1962 and 1963 represent very substantial potential capacity increases, even assuming that passenger traffic volume increases at a moderate pace.

The industry has also experienced sizeable increases in operating costs per seat-mile flown but those increases have been almost entirely matched by the aggregate impact of the fare increases described above. Stated differently, the trunkline industry's composite break-even load factor is currently very close to the level experienced in the favorable 1954-5 period and the disparity between current earnings and those of the earlier period appears to be attributable largely to the sharp decline in passenger load factor.

With this background in mind, the Board is convinced that while limited

<sup>1</sup> American states that in the first 9 months of 1960 first-class traffic was 51 percent of total passenger traffic, and that in the same period of 1961 first-class traffic declined to 43 percent of the total traffic, while coach traffic increased to 57 percent.

<sup>2</sup> Before interest and after income taxes. In the same period, the carriers reported a net loss of \$19,390,000 after interest, and taxes.

fare changes may improve revenues moderately, no fare program alone can restore earnings to reasonable levels. On the contrary, the industry's economic problems must be attacked on a broad front of which load factor improvement is the cornerstone. We will, therefore, institute an investigation of United's proposed fare changes, except their proposed cancellation of night coach fares.

The carriers attribute much of their current financial distress to the shift of passengers from first-class to coach services and the attendant loss of revenues without commensurate cost savings. However, we are not convinced at this time that the present fare differential of approximately 25 percent is greater than the difference between the seat-mile costs of the respective services or that the coach services are inherently less profitable than first class. Moreover, the effectuation of a general revenue increase primarily by raising coach fares might tend to inhibit the growth of traffic and magnify the difficulty in improving load factors.

As an interim revenue measure, however, the Board would permit the domestic industry to effect a general fare increase of not more than 3 percent. Any such tariffs would have to be filed on at least 30 days' notice and provide for expiration not more than 6 months after effectiveness. During that period a series of steps will be undertaken in a program to resolve the underlying economic problems. In addition the Board urges the carriers to undertake the closest scrutiny of the various remaining special fares or fare discounts and to discontinue those of doubtful economic validity. On the basis of available information, the maintenance of the family fare between points where coach service is offered appears of doubtful economic value, since it results in a first-class family fare ticket being offered at a price significantly below the corresponding coach fare. As measures to enhance the relative attractiveness of first-class service without undue burden on the coach passenger or the required coach fares, the Board would not object to an increase in the first-class free baggage allowance to 66 pounds (as suggested by at least one carrier) and the establishment of a rule permitting stopovers at reasonable charge in first-class service.

In other than passenger fare areas, several programs are already underway and others will be promptly commenced. The Board has authorized inter-carrier discussions of matters relating to cabin services, the "no-show" problem,<sup>4</sup> and the use of joint facilities. The Board believes that cabin services tend to be overemphasized today and there exist opportunities for significant operating economies without eliminating the real necessities. The elimination of service of alcoholic beverages without appropriate charge appears to present one important area for economy measures at a

<sup>4</sup> The trunkline carriers have reached agreement on a program to deal with the "no-show" problem and have filed that agreement with the Board. We anticipate passing on the agreement in the very near future.

<sup>1</sup> American, Eastern, Northwest, and TWA propose increases in day coach fares of approximately 5 percent; Eastern and Northeast, however, would implement an increase of approximately 5 percent by raising these day coach fares to 83½ percent of first-class fares; Braniff and Delta would increase such fares to 85 percent of propeller first-class fares, rounded to the next higher even dollar and then add a jet surcharge. In addition to the 5 percent fare increase, TWA would add \$1 to each ticket sold. With regard to first-class fares, American would reduce such fares by 5 percent for trips of 1,200 miles or more but would leave the fares for distances under 1,200 miles unchanged, although it would not oppose a moderate increase in such fares if proposed by other carriers, Braniff and Delta would increase all fares to the next higher even dollar, while Eastern and Northeast would retain present jet fares and increase first-class propeller fares 5 percent. TWA would increase each passenger fare in both jet and propeller services by \$1 and would increase by 5 percent all piston fares for flights of less than 1,200 miles.

American, Braniff, Eastern, and TWA would increase night coach fares approximately 5 percent; TWA would also apply an increase of \$1 for each passenger ticket sold and Eastern would add jet surcharges where not presently applied.

Some carriers propose publishing a rule that no food or alcoholic beverages will be served to coach passengers. The general view is that the present promotional fares should be limited or reduced in scope, although the carriers differ in their approaches. Braniff, Continental, Eastern, Northeast, TWA, and Western would discontinue family fares, while United and Northwest would retain these fares. Eastern, Braniff, and Western oppose the continuation of the present 10 percent discount for official military traffic within the United States, which is the subject of a carrier agreement which expires December 31, 1961.



time when first-class fares are clearly inadequate in relation to the cost of service. Similarly, the use of common facilities by two or more carriers appears to be a useful area to explore.

The load factor improvement program will include short and long range steps. For the long range, we anticipate that programs currently being embarked upon will, directly or indirectly, result in improved load factors for the trunkline industry. However, this program, which includes an increased emphasis on consolidated services at regional airports, suspension of service to uneconomic points, substitution of local service for trunkline service where mutually beneficial, and route investigations looking toward reduction in excessive competitive carrier authorizations can be implemented only after formal proceedings.

It is evident that the time required to complete the regulatory procedures necessary to effectuate any action which the Board can take in these area forecloses these affording any real prospect of immediate relief. The urgency of the need for capacity reduction or other economic operation action aimed at improving the imbalance between traffic and capacity, particularly on the normally profitable high density markets in which load factors are currently abnormally low makes it incumbent upon the carriers to initiate a short range interim program to provide fairly immediate relief. Therefore, each carrier will be requested to submit to the Board by January 15, 1962, its suggestions as to actions it may take to improve its load factor.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof, *It is ordered, That:*

1. An investigation is instituted to determine whether the fares, charges and provisions described in Appendix A hereto are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares, charges and provisions.

2. Pending hearing and decision by the Board, the fares, charges and provisions described in Appendix A hereto, so far as applicable to interstate air transportation, are suspended and their use deferred to and including March 31, 1962, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order shall be filed with the tariff and shall be served upon United Air Lines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.<sup>5</sup>

[SEAL] HAROLD R. SANDERSON,  
Secretary.

AGENT C. C. SQUIRE'S LOCAL AND JOINT PASSENGER FARES TARIFF No. PF-5, C.A.B. No. 44

All fares, charges and provisions on:

24th revised page 275.  
9th revised page 276.  
17th revised page 277.  
18th revised page 278.  
3d revised page 278-A.  
3d revised page 278-B.  
17th revised page 279.  
18th revised page 280.  
15th revised page 281.  
16th revised page 282.  
18th revised page 283.  
21st revised page 284.  
20th revised page 285.  
17th revised page 286.  
28th revised page 287.  
29th revised page 288.  
1st revised page 288-A.  
30th and 31st revised pages 289.  
34th revised page 290.  
24th revised page 290-B.  
17th revised page 290-C.  
16th revised page 290-D.  
11th revised page 290-E.  
10th revised page 290-F.

[F.R. Doc. 62-34; Filed, Jan. 2, 1962;  
8:47 a.m.]

[Docket 13214]

## VENEZOLANA INTERNACIONAL DE AVIACION, S.A.

### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on January 9, 1962, at 10 a.m., e.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., December 27, 1961.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 62-35; Filed, Jan. 2, 1962;  
8:47 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14455, 14456; FCC 61-1504]

### JEFFERSON RADIO CO. (WIXI) AND VOICE OF THE MID SOUTH

#### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of W. D. Frink, tr/as Jefferson Radio Company (WIXI), Docket No. 14455, File No. BL-8187, for

<sup>5</sup> Murphy, Vice Chairman, and Minetti, Member, joint concurrence and dissent, filed as part of original document.

license to cover Construction Permit BP-10672 authorizing a new standard broadcast station at Irondale, Ala.; Fred H. Davis and W. D. Frink, d/b as Voice of The Mid South, Docket No. 14456, File No. BP-14110, for construction permit to build a new standard broadcast station at Centerville, Ala., Requests: 1590 kc, 1 kw, Day.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of December 1961;

The Commission having under consideration (1) the above-captioned applications, (2) ownership reports (FCC Form 323) filed by W. D. Frink, tr/as Jefferson Radio Company and (3) correspondence and other documents submitted by or on behalf of W. D. Frink, Thomas L. Whitley, Harold F. Byrnes and others.

It appearing, that, on October 12, 1960, the Commission granted the application of W. D. Frink to construct a new standard broadcast station at Irondale, Ala., to which the call letters WIXI were assigned; and

It further appearing, that, on November 25, 1960, W. D. Frink filed an application for license to cover the said construction permit, which application is now pending before the Commission; and

It further appearing, that, Fred H. Davis and W. D. Frink, d/b as Voice of the Mid South on May 2, 1960, filed an application for a permit to construct a new standard broadcast station at Centerville, Ala., which application has been listed in the FEDERAL REGISTER as available for study, and which is now pending before the Commission; and

It further appearing, that on October 9, 1958, while his Irondale proposal was pending before the Commission, W. D. Frink entered into an agreement with Thomas L. Whitley and Harold F. Byrnes d/b as Southeastern Radio Management Company under which responsibility for management of the Irondale station was to be transferred to Southeastern, thus providing for the abdication of control with respect thereto; and

It further appearing, that, the above agreement with Thomas L. Whitley and Harold F. Byrnes also included a purchase option on a 49-percent interest in the proposed station; and

It further appearing, that, the above-described transactions, which were not reported to the Commission until some time after the construction permit was issued and the application for station license tendered, were effectuated through apparent concealment and misrepresentation of material facts in contravention of sections 308(b) and 310(b) of the Communications Act of 1934, as amended, and the Commission's rules and policies promulgated thereunder; and

It further appearing, that, with respect to the above-captioned Centerville proposal, it cannot be concluded from the information submitted that the applicant has adequate cash or liquid assets

available to finance the construction and initial operation of the proposed station; and

It further appearing, that, in view of the above-described matters, the Commission is unable to find that a grant of the instant applications would serve the public interest, convenience and necessity and that said applications must therefore be designated for hearing;

*It is ordered*, That, pursuant to sections 309(e) and 319(c) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether W. D. Frink's failure to amend his original application (File No. BP-10672) to reflect ownership and management arrangements entered into after said application to construct the Irondale proposal was filed, constituted affirmative misrepresentation contrary to law and Commission policy.

2. To determine whether control of Radio Station WIXI has at any time been transferred by W. D. Frink contrary to the provisions of section 310(b) of the Communications Act of 1934, as amended, and the Commission's rules and policies promulgated thereunder.

3. To determine whether the instant applications and other documents filed by W. D. Frink contained misrepresentations and/or omissions of facts contrary to section 308(b) of the Communications Act of 1934, as amended.

4. To determine whether, during the period October 12, 1960, to February 27, 1961, W. D. Frink filed reports and copies of agreements reflecting outstanding station ownership and management arrangements, as required by the provisions of §§ 1.342 and 1.343 of the Commission's rules.

5. To determine whether Fred H. Davis and W. D. Frink, d/b as Voice of the Mid South, are financially qualified to construct and operate the proposed Centerville station.

6. To determine whether, in light of the evidence adduced with respect to the foregoing issues, Fred H. Davis and W. D. Frink, individually or jointly, are qualified to be a licensee or permittee of the Commission or to hold an ownership interest in a licensee or permittee of the Commission.

7. To determine whether, in light of the evidence adduced with respect to the foregoing issues, a grant of either or both of the above-captioned applications would serve the public interest, convenience and necessity:

*It is further ordered*, That, in the event of a grant of the Centerville proposal, the construction permit shall contain the condition that the permittee shall accept such interference as may result in the event of a subsequent grant of the application (File No. BP-14317) of Elton H. Darby, licensee of Radio Station WVNA, Tusculumbia, Ala., for permit to construct changed facilities.

*It is further ordered*, That, to avail themselves of an opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission's rules, in person

or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered*, That, with respect to the above-captioned Centerville proposal (File No. BP-14110) the applicant shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(h) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such Rule and shall advise the Commission of the publication of such notice as required by § 1.362(g) of the rules.

Released: December 28, 1961.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 62-36; Filed, Jan. 2, 1962;  
8:48 a.m.]

[Docket No. 14457]

### RAYMOND P. LAUBENSTEIN

#### Order To Show Cause

In the matter of Raymond P. Laubenstein, West Belmar, N.J.; order to show cause why there should not be revoked the license for Radio Station 2Q2459 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Communications Act of 1934, as amended, and the Commission's rules in connection with the operation of Radio Station 2Q2459, the license for which was granted April 14, 1961;

It appearing, that, at various times between April 1, 1961, and April 8, 1961, inclusive, prior to the issuance of the license for the captioned radio station, the licensee used or operated apparatus in the Citizens Radio Service for the transmission of communications by radio without a license in that behalf granted under the provisions of the Communications Act, in violation of section 301 of the Communications Act of 1934, as amended, and § 19.11 of the Commission's rules; and

It further appearing, that, on several occasions on July 14, 1961, the licensee failed to transmit the official call sign of his station at the beginning and termination of all communications, in violation of § 19.62 of the Commission's rules; and

It further appearing, that, at various times during October and November 1961, the licensee purported to transfer the operating authority conferred under the license for Citizens Radio Station 2Q2459 to one Marie Rogers, Spring Lake, N.J., in violation of section 310(b) of the Communications Act of 1934, as amended, and § 19.92 of the Commission's rules; and

It further appearing, that, on November 3, 1961, the Commission, pursuant to section 308(b) of the Communications Act of 1934, as amended, directed the li-

censee's attention to the above-mentioned violations and requested that he respond to certain interrogatories in connection therewith in order that it might have information upon which to base a determination as to whether or not the license for Citizens Radio Station 2Q2459 should be revoked; and

It further appearing, that, on or about November 15, 1961, the licensee furnished replies to the above-mentioned interrogatories in which he stated that he had permitted no person other than himself the use of the call sign 2Q2459, and that he did not operate a Citizens radio station between April 8, 1961, and June 29, 1961, which statements are false; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated sections 301, 308(b), and 310(b) of the Communications Act of 1934, as amended, and §§ 19.11, 19.62, and 19.92 of the Commission's rules; and

It further appearing, that, in view of the foregoing, the licensee has knowingly made false statements in a statement of fact required pursuant to section 308 of the Communications Act of 1934, as amended;

*It is ordered*, This 22d day of December 1961, pursuant to section 312(a)(1) and (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority that the licensee show cause why the license for Citizens Radio Station 2Q2459 should not be revoked and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

*It is further ordered*, That the Acting Secretary send a copy of this order by Certified Mail—Return Receipt Requested to Raymond P. Laubenstein, 1148 17th Avenue, West Belmar, N.J.

Released: December 27, 1961.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Acting Secretary.

[F.R. Doc. 62-37; Filed, Jan. 2, 1962;  
8:48 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. CP62-100]

### COLORADO INTERSTATE GAS CO.

#### Notice of Application and Date of Hearing

DECEMBER 26, 1961.

Take notice that on October 19, 1961, Colorado Interstate Gas Company (Applicant), Colorado Springs National Bank Building, Colorado Springs, Colo., filed in docket No. CP62-100 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a meter station and appurtenant facilities and the sale of natural gas through said facilities to Plateau Natural Gas Company (Plateau) for resale in Franktown, Douglas County, Colo., all as more fully



set forth in the application which is on file with the Commission and open to public inspection.

The proposed facilities would be constructed on Applicant's Amarillo to Denver pipeline at a point near Franktown, Douglas County, Colo. The cost is estimated to be \$4,620, which would be financed from funds on hand.

Applicant proposes to render service to Plateau under Applicant's existing FPC Gas Rate Schedule SG-1 (First Revised Volume No. 1, Original Sheet Nos. 7 and 8 of Applicant's FPC Gas Tariff).

Estimated annual and peak day requirements for each of the first 3 years of operation are 5,557 and 56 Mcf, respectively, at 14.73 psia.

No increase in Plateau's contract demand is anticipated.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 30, 1962, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 19, 1962. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 62-5; Filed, Jan. 2, 1962;  
8:45 a.m.]

[Docket No. E-7017]

## EL PASO ELECTRIC CO.

### Notice of Application

DECEMBER 26, 1961.

Take notice that on December 19, 1961, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by El Paso Electric Company ("Applicant"), a corporation organized under the laws of the State of Texas and authorized to do business in the States of Texas and New Mexico with its principal business office at El Paso, Tex., seeking an order authorizing the is-

No. 1—4

suance of up to \$10,500,000 principal amount of First Mortgage Bonds (New Bonds), -- percent series due February 1, 1992.

On or about January 31, 1962, Applicant proposes to invite bids for the purchase of the New Bonds. The New Bonds will be sold pursuant to Applicant's First Indenture of Mortgage, dated October 1, 1946, to State Street Trust Company (now State Street Bank & Trust Company), Trustee, as supplemented by various supplemental indentures, to and including a Seventh Supplemental Indenture to be dated February 1, 1962. The interest rate on the New Bonds will be supplied by amendment.

Applicant proposes to use the proceeds from the sale of \$7 million, principal amount of the New Bonds for corporate purposes such as a reimbursement of its treasury for construction expenditures and to finance additional construction. The proceeds from the sale of \$3,500,000 principal amount of the New Bonds will be used to refund Applicant's outstanding \$3,500,000 principal amount of First Mortgage Bonds, 5½ percent Series of 1989, if in Applicant's opinion the refunding of the 1989 Series Bonds would be economically advisable. Should it appear to Applicant that such refunding would be economically inadvisable, Applicant states it will notify prospective bidders at least two days prior to the date fixed for presentation and opening of bids and that if a bid is accepted it will be accepted for only \$7 million principal amount of the New Bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 18th day of January 1962, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 62-6; Filed, Jan. 2, 1962;  
8:45 a.m.]

[Docket No. G-14740]

## SOUTHERN NATURAL GAS CO.

### Notice of Petition To Amend

DECEMBER 26, 1961.

Take notice that on August 28, 1961, Southern Natural Gas Company (Petitioner), Watts Building, Birmingham 2, Ala., filed a petition to amend the Commission's order issued August 26, 1958, in docket No. G-14740 so as to permit Petitioner to transport and deliver an additional 5,500 Mcf of natural gas per day on an interruptible basis to Mississippi Valley Portland Cement Company (Mississippi), served from Petitioner's Vicksburg lateral line near Vicksburg, Miss.

The order of August 26, 1958, authorized Petitioner to construct and operate certain facilities and to transport

and deliver a maximum of 3,500 Mcf of natural gas per day on an interruptible basis to Mississippi. Petitioner requests herein permission to increase to 9,000 Mcf the maximum daily volumes of interruptible gas delivered to Mississippi.

Petitioner states that Mississippi will need additional natural gas commencing in the spring of 1962, as a result of an additional cement kiln that Mississippi proposes to install.

The estimated natural gas requirements of Mississippi are:

|              | Volumes in Mcf          |                          |
|--------------|-------------------------|--------------------------|
|              | Estimated daily maximum | Estimated yearly maximum |
| Present..... | 3,500                   | 1,190,000                |
| 1962.....    | 5,000                   | 1,700,000                |
| 1963-64..... | 7,500                   | 2,550,000                |
| 1965.....    | 9,000                   | 3,060,000                |

Petitioner proposes no additional facilities in order to make the requested increased deliveries.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 19, 1962.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 62-7; Filed, Jan. 2, 1962;  
8:45 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 582]

### MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 28, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below.

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64441. By order of December 21, 1961, the Transfer Board approved the transfer to H & S Express Transport, Inc., doing business as H & S Express, Baltimore, Md., of Certificates in Nos. MC 849 and MC 849 Sub 3, issued June 12, 1950, and April 4, 1960, respectively, to Charles G. Sheldy, doing business as H & S Express, Baltimore, Md., authorizing the transportation of: Plumbing equipment and accessories, paper napkins and cups, vending ma-

chines, pipe fittings, ice cream machinery, and gas ranges, over a regular route, between Baltimore, Md., and Rosslyn, Va., service authorized to and from the intermediate points of Washington, D.C., and those in Maryland and Virginia within 5 miles of Washington; and general commodities, excluding household goods, commodities in bulk, and other specified commodities between points within 10 miles of Baltimore, Md., including Baltimore; and monumental stone from Baltimore, Md., and points within 30 miles of Baltimore, Md., Washington, D.C., and points in Maryland and Virginia within 30 miles of Washington. James E. Wilson, 716 Perpetual Building, 1111 E Street NW., Washington, D.C., attorney for applicants.

No. MC-FC 64564. By order of December 18, 1961, the Transfer Board approved the transfer to Paul Martineau, Leo Paul Martineau, and Lucien Martineau, a partnership, doing business as Martineau's Towing Service, 27 Haverhill Street, Methuen, Mass., of Certificate No. MC 106724 issued November 1, 1946, to Paul Martineau, doing business as Martineau's Garage, 27 Haverhill Street, Methuen, Mass., authorizing the transportation of disabled motor vehicles, over irregular routes, between Lawrence, Mass., on the one hand, and, on the other, points in Vermont, New Hampshire, and Maine.

No. MC-FC 64565. By order of December 18, 1961, the Transfer Board approved the transfer to Paul Martineau, Leo Paul Martineau, and Lucien Martineau, a partnership, doing business as Martineau's Towing Service, 27 Haverhill Street, Methuen, Mass., of Certificate No. MC 111385 issued January 18, 1954, to Don Robbins, doing business as Don Robbins Towing Service, 785 Woburn Street, Wilmington, Mass., authorizing the transportation of disabled motor vehicles, over irregular routes, between points in Essex County, Mass. (except Lawrence and Methuen, Mass.), points on U.S. Highway 1 between the Essex-Middlesex, Mass., county line and Everett, Mass., inclusive, and points on Broadway between Everett and Boston (exclusive of Boston), on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

No. MC-FC 64573. By order of December 15, 1961, the Transfer Board approved the transfer to Terminal Transportation Co., Inc., Wilmington, Calif., of the operating rights in Certificate No. MC 44927, issued February 12, 1960, to Clyde R. Hoagland, doing business as Redway Transfer Co., Los Angeles, Calif., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, canned goods, between San Diego, Long Beach, and Los Angeles Harbor, Calif., and olive oil and chocolate candies and syrups, from Los Angeles Harbor and Long Beach, Calif., to San Diego, Calif. Ivan McWhinney, 639 South Spring Street, Los Angeles 14, Calif., applicants' attorney.

No. MC-FC 64599. By order of December 20, 1961, the Transfer Board approved the transfer to Robert H. Pur-

sell, doing business as Adam Meyer, Bethlehem, Pa., of Certificate No. MC 61262, issued March 22, 1949, to George H. Lazarus, doing business as Lazarus 20th Century Storage, Bethlehem, Pa., authorizing the transportation of household goods as defined by the Commission, over irregular routes, between points in Northampton and Lehigh Counties, Pa., on the one hand, and, on the other, points in New York, New Jersey, Maryland, Pennsylvania, Delaware, Virginia, New Hampshire, West Virginia, Ohio, Rhode Island, Massachusetts, Connecticut, and the District of Columbia. Albert E. Enoch, 556 Main Street, Bethlehem, Pa., Representative for applicant.

No. MC-FC 64625. By order of December 15, 1961, the Transfer Board approved the transfer to Pearl Pless Feiner, doing business as Pless Express, 34 Brendon Hill Road, Scarsdale, N.Y., of Permit No. MC 119314, issued August 26, 1960, to Harold Feiner, doing business as Pless Express, Scarsdale, N.Y., authorizing the transportation of: Metal stampings, between Yonkers, N.Y., on the one hand, and, on the other, points in Passaic, Hudson, Essex, and Union Counties, N.J.

No. MC-FC 64628. By order of December 15, 1961, the Transfer Board approved the transfer to Don M. Chapin, doing business as Chapin's Transportation Service, 440 Thain Road, Lewiston, Idaho, of Certificate No. MC 106165, issued March 27, 1947, to Robert Jeffrey, doing business as College Hill Bus, 102 True Street, Pullman, Wash., authorizing the transportation of: Passengers and their baggage, in charter operations over irregular routes, from Pullman, Wash., to points in Idaho north of the southern boundary of Idaho County, Idaho, points in Oregon, and Clarkston and Pomeroy, Wash., and return; from Moscow, Idaho, to points in Spokane, Whitman, Garfield, Columbia, Walla Walla, Benton, Franklin, and Asotin Counties, Wash., and points in Oregon and that part of Idaho north of the southern boundary of Idaho County and return.

No. MC-FC 64631. By order of December 15, 1961, the Transfer Board approved the transfer to Donald K. Couture, 236 Kaw Avenue., Garnett, Kans., of Certificate No. MC 59371 issued December 18, 1942, to R. E. Horn, doing business as R. E. Horn Transfer, 433 East Second, Garnett, Kans., authorizing the transportation of: Live poultry, eggs, wrecked automobiles, scrap iron, hay and grain, between Garnett, Kans., and Kansas City, Mo.; agricultural implements, lumber and building material, petroleum products, in containers, feed, hardware, fertilizer, grain, tile, fencing and roofing materials, iron and steel articles and steel tanks, from Kansas City, Mo., to Garnett, Kans., household goods and emigrant movables, between Garnett, Kans., and points within 20 miles of Garnett, on the one hand, and, on the other, points in Missouri; and livestock, between Garnett, Kans., and points within 20 miles of Garnett, on the one hand, and on the other, Kansas City and North Kansas City, Mo., and Kansas City, Kans.

No. MC-FC 64656. By order of December 15, 1961, the Transfer Board ap-

proved the transfer to Melrose Salvage Corp., New York, N.Y., of Permits Nos. MC 16675 and MC16675 Sub 1, issued June 27, 1941, and November 25, 1947, respectively, to Shore Haulage, Inc., New York, N.Y., authorizing the transportation of: Paper and paper products, over irregular routes, between New York, N.Y., and points in Albany, Columbia, Dutchess, Greene, Nassau, Orange, Putnam, Rensselaer, Rockland, Saratoga, Suffolk, Sullivan, Ulster, Washington, and Westchester Counties, N.Y., Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union Counties, N.J., Fairfield and New Haven Counties, Conn., and Bucks and Philadelphia Counties, Pa., and rags and skids, platforms, and pallets used in the transportation of paper and paper products, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Fairfield and New Haven Counties, Conn., those in Albany, Columbia, Dutchess, Greene, Nassau, Orange, Putnam, Rensselaer, Rockland, Saratoga, Suffolk, Sullivan, Ulster, Washington, and Westchester Counties, N.Y., and those in Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union Counties, N.J. Bert Collins, 140 Cedar Street, New York 6, N.Y., representative for applicants.

No. MC-FC 64706. By order of December 15, 1961, the Transfer Board approved the transfer to Michael Gallai, New Brunswick, N.J., of Certificate No. MC 107256, issued June 9, 1947, to John Pinter, New Brunswick, N.J., authorizing the transportation of household goods over irregular routes, between New Brunswick, N.J., on the one hand, and, on the other, points in Connecticut, New York, and Pennsylvania. Arthur Reich, 17 Schuyler Street, New Brunswick, N.J., attorney for applicants.

[SEAL]

HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 62-16; Filed, Jan. 2, 1962;  
8:46 a.m.]

[No. 33434]

## MIDDLE ATLANTIC & NEW ENGLAND TERRITORY

### Detention of Motor Vehicles

DECEMBER 28, 1961.

On October 25, 1960, the Commission instituted the above-entitled rulemaking proceeding with a view to determining whether a uniform detention rule applicable to all motor common carriers operating within Middle Atlantic territory and between that territory and New England should be prescribed (25 F.R. 10585). Evidence was presented by verified statements, and the proceeding was referred to a hearing examiner for recommendation of an appropriate order accompanied by the reasons therefor. The recommended report and order of the hearing examiner, recommending that the proposed rule not be prescribed and that the proceeding be discontinued, was served on December 28, 1961. Exceptions to that report may be filed by interested parties within 30 days from that date.

Copies of the recommended report and order may be obtained by any interested person upon request of the Secretary, Interstate Commerce Commission, Washington, 25, D.C.

[SEAL]

HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 62-17; Filed, Jan. 2, 1962;  
8:46 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 2-13862 (22-2286) etc.]

### BARTON DISTILLING CO.

#### Notice of Application and Opportunity for Hearing

DECEMBER 26, 1961.

In the matter of Barton Distilling Company, File Nos. 2-13862 (22-2286), 2-14212 (22-2395), 2-15322 (22-2608).

Notice is hereby given, that Barton Distilling Company (the Applicant) has filed an application under Clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1933, as amended (the Act) for a finding by the Commission that the trusteeship of American National Bank and Trust Company of Chicago (American National) under the four indentures hereinafter described is not so likely to involve a material conflict of interest under the Act as to make it necessary in the public interest or for the protection of investors to disqualify American National from acting as trustee under all four indentures.

Section 310(b) of the Act provides, in part, that if an indenture trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined therein) it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subdivision (1) of this section provides, with certain exceptions stated therein, that a trustee is deemed to have a conflicting interest if it is acting as trustee under a qualified indenture and is trustee under another indenture of the same obligor. However, an issuer may sustain the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under a qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under one or more of such indentures.

Applicant alleges that:

1. It has outstanding the following issues:

(a) One million dollars aggregate principal amount of its 6½ percent Secured Notes, due October 1, 1962 (the 1962 Notes), issued under an Indenture (the 1962 Note Indenture) dated as of October 1, 1957, between the Applicant and American National, trustee (of which notes, \$250,000 principal amount were called for redemption on December

18, 1961). These 1962 Notes were registered under the Securities Act of 1933 under Registration No. 2-13862, and in connection therewith the 1962 Note Indenture was qualified under the Trust Indenture Act, (File No. 22-2286) effective February 27, 1958, as of February 16, 1958.

(b) One million dollars aggregate principal amount of its 6 percent Secured Notes, due July 1, 1964 (the 1964 Notes), issued under a separate Indenture (the 1964 Note Indenture), dated as of July 1, 1958, between the Applicant and American National, trustee. These 1964 Notes were registered under the Securities Act under Registration No. 2-14212, and in connection therewith the 1964 Note Indenture was qualified under the Trust Indenture Act (File No. 22-2395), effective July 10, 1958, as of July 9, 1958.

(c) Two million dollars aggregate principal amount of its 6 percent Secured Notes, due July 1, 1965 (the 1965 Notes), issued under a separate Indenture (the 1965 Note Indenture) dated as of July 1, 1959, between the Applicant and American National, trustee. These 1965 Notes were registered under the Securities Act under Registration No. 2-15322 and in connection therewith the 1965 Note Indenture was qualified under the Trust Indenture Act (File No. 22-2608), effective August 6, 1959.

2. On July 10, 1958, the Securities and Exchange Commission (the Commission) entered an order, pursuant to section 310 (b) (1) (ii) of the Act, granting the application, filed with the Commission by the Applicant on June 20, 1958, for a finding and declaration that the trusteeship of American National under the 1962 Note Indenture, the 1964 Note Indenture and an additional Indenture dated as of July 1, 1958, relating to the Applicant's 6 percent Secured Notes, due July 1, 1963 (which Indenture has since been satisfied and discharged), was not so likely to involve a material conflict of interest as to make it necessary, in the public interest or for the protection of investors, to disqualify American National from acting as trustee under any of the said Indentures.

3. On August 6, 1959, the Commission entered an order, pursuant to section 310(b)(1)(ii) of the Act, granting the application, filed with the Commission by the Applicant on July 2, 1959, for a finding and declaration that the trusteeship of American National under the 1962 Note Indenture, the 1964 Note Indenture, the 1965 Note Indenture and the other Indenture referred to in paragraph 2 hereof was not so likely to involve a material conflict of interest as to make it necessary, in the public interest or for the protection of investors, to disqualify American National from acting as trustee under any of said Indentures.

4. The Applicant proposes to issue and sell \$2 million aggregate principal amount of its 6 percent Secured Notes, due \_\_\_\_\_, 1968, (the New Notes), to be issued under an Indenture (the New Indenture) to be dated as of July 1, 1961, between the Applicant and American National.

5. The New Notes are to be issued and sold to a limited number of institutional investors, which will purchase the New Notes for investment and not with a view to distribution. It is asserted that this proposed transaction will not involve a public offering, therefore that the New Notes will be exempt from registration under the Securities Act by virtue of section 4(1) thereof and that the New Indenture will be exempt from qualification under the Trust Indenture Act by virtue of section 304(b)(1) thereof. Accordingly, the Applicant does not propose to register the New Notes under the Securities Act or to qualify the New Indenture under the Trust Indenture Act.

6. The New Notes are to be secured by the pledge of whiskey warehouse receipts for not less than 2,500,000 original proof gallons of whiskey. The 1962, 1964, and 1965 Notes referred to supra, are similarly secured by the pledge of whiskey warehouse receipts, with the Notes issued under each of the 1962, 1964, and 1965 Indentures being secured by separate and distinct whiskey. The present value of the collateral under the aforementioned Indentures and the present value of the collateral to be deposited under the New Indenture is stated to be in excess of the principal amount of notes outstanding. Moreover, the value of such collateral is expected to increase in the ordinary course as the whiskey becomes older. The Applicant is not in default under either the 1962, 1964, or 1965 Indenture.

7. The 1962, 1964, and 1965 Indentures each contain language following the requirements of section 310(b)(1) of the Act. The New Indenture contains the same provision; but it provides that such provision is not to become operative for any purpose unless and until the New Indenture shall be qualified under the Act.

8. The 1962, 1964, and 1965 Indentures contain identical language in subdivision (e) of section 7.1 thereof concerning an event of default except that in the 1965 Note Indenture the words "any obligor on the Notes" are substituted for the words "the Company." The New Indenture contains the same provision except that the New Indenture provides that the breach shall not be an event of default under the New Indenture if such breach is cured before the other debt is declared due and payable.

9. The minor differences between the 1962 Note Indenture, the 1964 Note Indenture, and the 1965 Note Indenture were set forth in the applications referred to in paragraphs 2 and 3 supra, which applications are incorporated by reference. The New Indenture is substantially the same as the 1964 Note Indenture except that the New Indenture authorizes the issuance of printed notes as well as coupon notes and fully registered notes; it deletes the requirements in section 3.1 for delivery to the trustee prior to authentication of the notes of the written statement from Janes Smith and Geiger, the written statement of the accountants and the instrument containing representations and warranties by Lester S. Abelson and Oscar Getz and

provides instead for a certificate of the Chairman of the Board and President of the Company; the New Indenture contains some minor differences in the covenants contained in Article IV; the New Indenture in section 5.2 provides for examination of Government reports with respect to the whiskey to be made under the supervision of the Chairman of the Board and President of the Company rather than by an independent person; the New Indenture provides in section 6.8 for certain changes in procedures for redemption if only printed notes are outstanding; the New Indenture deletes reference to the "Events of Acceleration" set forth in subsections (h) and (i) of section 7.1 of the 1964 Note Indenture; and the provisions contained in sections 8.8 and 9.6, Article XI and section 12.3 of the New Indenture are to become operative only upon qualification of the New Indenture under the Trust Indenture Act. Other minor differences between the New Indenture and the Old Indentures include differences as to principal amounts, dates, interest rates, redemption prices, denominations and interchangeability of Notes and identity of pledged whiskey warehouse receipts.

10. The trusteeship of American National under the New Indenture and the Old Indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify American National from acting as trustee under any of said Indentures.

11. The Company proposes to issue and sell the New Notes as part of a continuing program for the financing of its whiskey inventories during their aging period. The Company anticipates that pursuant to this program it will issue and sell additional series of secured notes in the future, each such series to be issued under a separate indenture and to be secured by completely separate and distinct collateral, consisting in each case of whiskey warehouse receipts. Because of the number of indentures which will be involved, the company believes that this program would be impractical and overly expensive, unless the same trustee is allowed to serve as such under each of the indentures.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given, that an order granting the application may be issued by the Commission on or at any time after January 11, 1962, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Clause (ii) of section 310(b)(1) of the Act. Any interested person may, not later than January 9, 1962, submit to the Commission, in writing, his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 62-14; Filed, Jan. 2, 1962;  
8:46 a.m.]

[File No. 811-1025]

#### IOWA INTERESTS CORP.

#### Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Com- pany

DECEMBER 22, 1961.

Notice is hereby given, that Iowa Interests Corporation ("Applicant"), 616 Insurance Exchange Building, Des Moines, Iowa, a corporation organized under Delaware law and a closed-end, nondiversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company.

Applicant makes the following representations in its application:

On November 28, 1961, this Commission issued an order pursuant to section 17(b) of the Act exempting from the provisions of section 17(a) of the Act the proposed consolidation and merger of Applicant with and into International Bank ("International") (Investment Company Act Release No. 3370).

On November 29, 1961, in effectuation of the consolidation agreement between the companies, appropriate documents were filed with the Secretary of State for the State of Arizona, the state of incorporation of International, and with the Secretary of State for the State of Delaware. The consolidation of the two companies has been effected and the separate existence of Applicant has ceased. All securities issued by Applicant, of which there were ten holders, including International, have been assigned to the Secretary of Applicant for his cancellation, and all of its securities have now been canceled.

Section 8(f) of the Act provides, in relevant part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given, that any interested person may, not later than January 8, 1962, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) should be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 62-15; Filed, Jan. 2, 1962;  
8:46 a.m.]